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A
COURSE
IN
CIVIL GOVERNMENT,

BASED ON

"THE GOVERNMENT OF THE PEOPLE
OF THE UNITED STATES."

BY

FRANCIS NEWTON THORPE,

PROFESSOR OF CONSTITUTIONAL HISTORY, UNIVERSITY OF PENNSYLVANIA.

(SECOND EDITION.)



PHILADELPHIA:
ELDREDGE & BROTHER,
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ALL that is sacred in life is inseparably bound up with government. Its nature is complex ; it implies rights and duties ; it involves human lives and activities ; its organization is required of the whole people ; its administration is committed to their representatives.

The story of the Government of the people of the United States has its beginning far away across the sea, and the story of political rights in England has its sequel in the story of political rights in America. Nor have these rights been accidental acquisitions : they are the fruits of American experience, growing out of the instincts, the character and the attainments of the Anglo-Saxon race.

In this work the Government is presented in its historical, its legal, its political and its economic relations. Movements in population, immigration, education, habits of thought among the people of various parts of the country, inventions, discoveries, religion and public morality, have been considered as factors equally potent with formal constitutions and the enactments of legislative bodies in determining the character of our Government.

The peculiar claim of popular government to universal authority is its identification with the great principles of civilization. It claims to be founded upon the rights of *man and the principles* of human nature. The chapter

on "The Four Groups of Rights" is a departure in works of this kind, but it is believed that the time has come when the methods of political study pursued in the leading schools of history and political science may be pursued in all other schools in the United States.

Nothing in government is meaningless ; we live amidst an intense political life. As the face on the postage-stamp signifies an executive power delegated by the people, so upon examination will many common civil phenomena illustrate profound principles in popular government. It is more desirable to understand the principles underlying civil life, and their development and application in government, than to memorize discordant political facts. The study of civics has a deeper significance than the mere study of laws and law-makers, of offices and officers. These, it is true, are important, but they are of secondary importance, for they are merely the mediums and instruments in carrying on the work of government. The proper study of civics should inspire a spirit of obedience to the laws, and of respect for those in authority in the home, in school, in local government, in the State and in the Nation. It should inspire a spirit of patriotism, and tend to a better and purer citizenship, to a better and purer government.

It is the earnest hope of the writer that this book may help those who read it to understand more perfectly the rights and the duties of American citizenship.

FRANCIS NEWTON THORPE.

UNIVERSITY OF PENNSYLVANIA, }
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PART I.



THE FOUNDATIONS OF GOVERNMENT.



“Manasseh used enchantments, and used witchcraft, and dealt with a familiar spirit and with wizards; he wrought much evil in the sight of the Lord.”

“And there were in the same country shepherds abiding in the field, keeping watch over their flock by night.”

“And Isaac had possession of flocks and possession of herds, and great store of servants, and the Philistines envied him. And Isaac departed thence, and pitched his tent in the valley of Gerar, and dwelt there. And Isaac digged again the wells of water which they had digged in the days of Abraham his father; . . . and the herdsmen of Gerar did strive with Isaac's herdsmen, saying, The water is ours.”

“Then I will give you rain in due season, and the land shall yield her increase, and the trees of the field shall yield their fruit. And your threshing shall reach unto the vintage, and the vintage shall reach unto the sowing-time, and ye shall eat your bread to the full, and dwell in the land safely.”

“A cunning man, endued with understanding, . . . skilful to work in gold and in silver, in brass, in iron, in stone and in timber, in purple, in blue, and in fine linen and in crimson; also to grave any manner of graving.”

CIVIL GOVERNMENT.



CHAPTER I.

THE FOUR STAGES OF SOCIETY.

1. CIVIL INSTITUTIONS.—The laws, customs and occupations of a people comprise their civil institutions. Human interests are not solitary. One interest is related to all others. If we were to journey over the earth, visiting its different nations, we might at first think that the civil institutions of the many peoples we saw were too varied for any kind of classification; by a closer examination we would discover four classes of human society—savages, herdsmen, husbandmen and manufacturers.

2. SAVAGES.—Those people whose chief occupation is hunting comprise the savage tribes of the six continents. They have customs simple and rude, and laws few and cruel. The boundaries of the land over which they seek their supplies are in constant dispute between the tribes. Each tribe is a collection of kindred families, and is governed by a man famed both as hunter and as warrior. His will, so far as he can enforce it, is law. The symbol of his authority is a spear or a club.

3. Life and Language.—Hunting supplies savages with food and clothing. They suffer from many diseases which do not seriously endanger a civilized community. Their language is unwritten, usually abounds in guttural sounds, has few words, not usually more than three hundred, and these are not inflected so as to express shades of *thought*. Their language is composed of nouns and

verbs, with few if any other parts of speech. The nouns rudely name the plain objects of the senses; their words do not express exact qualities or quantities. Taken singly, the words have little if any meaning. The people have few and crude ideas.

4. Superstitions.—Savages are extremely superstitious and easily terrified by the phenomena of nature. They people the world with demons, and their customs are demoniac, and frequently degrading. They do not understand the causes and the nature of common things.

5. Character.—The habits, customs, superstitions and manner of life of savage tribes indicate their true character. Life among them is unsafe; morality is unknown; physical strength is the sole basis of right; their government is the uncertain and brutal exercise of physical power and the sullen and unwilling obedience of the jealous and the weak. The savage has no property that can be called wealth, and he cannot accumulate wealth. He cannot keep his game; he makes nothing; when he dies his hunting equipment is usually buried with him.

6. HERDSMEN.—A larger group of peoples keep flocks and herds, and by means of these provide for themselves food and clothing. The area and boundaries of the land required by their cattle vary. Herdsmen follow the grass; it is the source of their wealth. They are wanderers and dwell in tents, but their laws and customs are less rude than those found among hunting tribes. They practice simple arts and make many articles required by their manner of life. They have a greater variety of food than savages, and many desires unknown to savage life. Butter and cheese are made by them in a simple way. The art of curing leather begins among them. They have their wealth for exchange, and thus obtain many articles which they cannot make for themselves.

7. Government among Them.—Their ruler is the *oldest living father* of a family, and the symbol of his

authority is a shepherd's staff. The laws among them grow out of their occupations. Their laws have reference chiefly to two objects—the protection of life and of property. The herdsman has many cattle, and at his death some one must care for them. Naturally, the members of his own family succeed to his wealth, and his personal authority also descends to his personal representative or heir, who is usually his eldest son.

8. Laws of Property Begin.—Thus laws of the inheritance of property originate among herdsmen. This property is movable, or, as we now say, personal. Land becomes a thing of value, and land-laws originate in the use of the land for grazing. Water, in the form of brooks, wells and springs, becomes the subject of customary rights. As a well is dug by severe labor, he who digs a well has a right to it for his family and his flocks.

9. Language and Ideas.—Herdsmen have more words in their language and more ideas than have savages. Shepherds are often in one locality for a long time; they watch their flocks night and day; they observe the course of nature and discover its regularity. They were the first to study the motions of the heavenly bodies, and they fancied that they saw familiar forms among the stars. Lions and wolves were there chasing cattle and sheep, and to the constellations of the stars they gave names. Centuries have passed, but the names given to the stars by the shepherds still cling to them. Thus the science of astronomy began. The language of shepherds expresses their ideas. One of the oldest poems in the world, the book of Job, describes the customs, the laws and the character of a people who were shepherds in Mesopotamia, one of the early homes of our own civilization.

10. Life and the Recognition of Rights.—Herdsmen have many more interests than savages, because they have more ideas and objects of desire obtained by labor. Such objects *constitute wealth*. Government among them rec-

ognizes and protects life and property and the comfort of man. The patriarch has more cares than the chieftain. It is a principle of government that *as the interests of men increase and as they secure wealth by their own labor, government becomes more complex*, or, as we are accustomed to say, has more departments; for a primary purpose of government is to secure to individuals and to nations their rights.

11. Importance of Rights.—A right is the most important possession a person can have. Human rights are the realities which government is instituted to protect. The word “right” has more meaning than any other word used in governmental affairs, and we shall constantly have occasion to investigate its signification. When we understand what rights exist in a country, we know exactly what is the government of the people of that country.

12. Effect of the Recognition of Rights.—The immediate effect of the recognition of rights is the exercise of government to protect them. A denial of a right is a wrong, and the suspension of a right, if not justifiable, is a crime.

13. HUSBANDMEN.—The peoples who cultivate the soil outnumber all others. They live in fixed homes; they divide the land and mark its boundaries with care. To remove a landmark confuses many interests and endangers rights, and is a crime; for the tiller of the ground is obliged to feed and clothe himself and his family by his own labor on a definite piece of ground, and if the boundaries are disturbed unlawfully the living of the family is in danger.

14. Crimes.—Among the herdsmen the stealing of cattle is a crime, because the living of the family is thereby endangered. The tiller of the ground must be protected from similar injury, and his wealth is a definite area of ground. Land-laws thus become more definite among *those who practice agriculture*; many customs and laws

peculiar to an agricultural people would not arise among herdsmen. Each state of society has its legal system that is founded upon its own character. Different civil institutions, becoming different systems of government, thus spring up in the world.

15. Superior Knowledge required in Agriculture.—The farmer is obliged to understand the nature of crops, soils, culture and harvesting. He requires many tools for which the savage or the herdsman could have no use. He must understand the laws of nature so as to be able to supply his wants. His language reflects his mind and expresses many interests. His interests are four-fold: those pertaining to his labor; those pertaining to the control of his fellows; those relating to his conduct toward men; and those relating to the God whom he worships.

16. MANUFACTURERS.—A fourth group of people are engaged in making objects of desire, and thus they are closely related to the herdsmen and to the tillers of the soil. Labor creates rights and transforms raw material, such as the skins and the wool produced by the herdsmen and the agricultural products of the husbandmen, into articles adapted to many human uses. The making of objects requires a large amount of knowledge in the maker. He has many ideas, and his language contains many words unknown to the savage or the herdsman. With increased knowledge comes the division of labor and the recognition of industrial rights. New industries are created, old industries are improved. Simple tools are displaced by complicated machinery that never wearies and that rapidly transforms raw material into finished articles. In every step of this process rights are concerned. The forms of wealth multiply, so that they can scarcely be counted. The manufacturer depends upon the productions of farming and of herding for material used in his labor. *His rights are therefore closely connected with the rights of other men.* He must build

machines, erect suitable buildings, provide material, employ craftsmen, manage industrial enterprises, understand industrial conditions, satisfy the desires of men for material wealth created by human labor, and exercise freely all his rights, in order that the desires of men may be satisfied.

17. Laws and Customs pertaining to Industry.—A manufacturing community develops habits or customs that are proven by experience to be favorable to industry. The government that protects the rights of manufacturers, and of all those associated with them in the making of objects, must recognize these customs and enact suitable laws.

18. Civilized Peoples have a Variety of Interests.—In a civilized country the interests of the herdsman, of the tiller of the soil and of the manufacturer may be found in a single community and even in a single person. The farmer tills his ground and at the same time keeps cattle and sheep. Near by is the town in which the manufacturer maintains his factory and all its interests. A community has at the same time the interests of the three classes of people. Rights thus may imply the interests of the husbandman, of the herdsman and of the manufacturer. Every department of life is affected by the recognition or the suppression of these rights.

19. Effect Seen in Society.—As ideas increase among men, language increases, until there may be, as in our own tongue, more than one hundred thousand words. Every right creates a custom, and the custom may become a law. A custom is only a way of doing, and a law is a rule of action prescribed by a supreme power, declaring how, when, where and by whom a thing shall or shall not be done.

20. Commerce.—With the increase of the wealth of individuals and of nations, and with the recognition of *rights among them*, exists a commerce both in ideas and

in things. Articles are produced, exchanged, transported and consumed. The star-clusters that seemed like sheep and oxen and lions to the shepherds become the light-houses of the sky, and guide ships laden with precious cargoes from port to port and from continent to continent. Men become more closely associated; they supply each other's wants. Their interests become complex, and sometimes it is impossible to separate them. The herdsman, the farmer, the merchant, the railroad, the steamship, the miner, the manufacturer, the workingman,—all and each represent a mass of interests and a body of rights. To further these interests and to secure these rights governments are instituted among men; customs grow into laws, and laws and customs grow into that supreme law or chief custom of all—*Government*.

21. Importance of Government.—We see plainly, then, that the meaning of government is exceedingly large, because it concerns itself with every human interest. We see that customs and laws and language and government are closely connected with the occupations of the people. The occupations affect the government, and the government affects the occupations.

22. Different Forms of Government.—Different forms of government exist, because the ideas of men differ as to the best manner of managing their own interests. People who have many wants and who are able to satisfy them by intelligent labor are civilized—*i. e.* they have become citizens. The word "citizen" is companion to the word "right," and like it has a profound meaning. So important is the signification of the word "citizen" that individuals and nations, in order to obtain the realization of the full rights of the citizen, have made costly sacrifices. The rights of the citizen are made precious to us by the lofty sacrifices of human life in order that men and women and children may have their inborn rights freely fully and at *all times*.

A THEOCRACY is a government in which the rulers are priests who claim to be under the immediate direction of God. The government of the ancient Jews was a theocracy.

A MONARCHY is a government in which the supreme power resides in a single person, usually called a king. If his power is limited by laws, the government is a limited monarchy; if all power proceeds from him, the government is an absolute monarchy. Modern kingdoms are limited monarchies, except Russia and Turkey, which are absolute monarchies.

AN ARISTOCRACY is a government controlled by a few men distinguished for rank, wisdom and wealth. Venice was an aristocracy during the Middle Ages.

A DEMOCRACY is a government by the people in person. Rhode Island was a democracy for a brief time.

A REPUBLIC is a representative democracy. Our States and the United States have a republican form of government.

23. Sanctity of Government.—The interests of a people are so closely blended with their government that government becomes the supreme interest of the people; its character is sacred, because its preservation concerns the lives and the property of all who compose the nation. Therefore the attempt to overthrow the prevailing government is a crime against the nation. This crime is called *treason*, and is punishable with death.

Sometimes a government is successfully overturned and remodelled with the consent of the people who compose it. A successful change in the government amounts to a revolution, such as occurred in this country in 1776. But all thoughtful men agree that governments long established are not to be overturned for light and passing reasons, else all stability in human affairs would disappear and fickle-minded people would cause perpetual confusion in *the world by the constant change in governments*. The

people have the right to alter or amend their own government in a peaceful way, as was done in this country in 1789.

24. The True Basis of Government.—When we look a little closer for the foundation of government, we discover that it exists in the nature of men themselves. The rights of persons give occasion for government. Individuals have by nature desires, wills, ideas, character, and upon these government is founded. The natural rights of men, women and children as citizens are called civil rights. Some citizens have other rights which are called political rights. The right to personal security is a civil right, and is common to all citizens; the right to vote is a political right, and is possessed by qualified persons called electors. The true basis of government is persons, not things.

duties unknown to the people of Europe. Yet many institutions common among us began long ago in Europe.

30. Foreigners become Citizens.—Several hundred thousand Europeans come to the United States every year for permanent homes. They are chiefly from England, Ireland, Italy, Germany and Scandinavia. They have caused those sections of the United States where they are most thickly settled to take on a character peculiar to themselves; some parts of the United States are Germanic, some are Scandinavian, some are Italian, in many of their prevailing customs. The African race has been in this country since 1619. Africans and Europeans and some Asiatics are made welcome by our government, and by conforming to the laws they have become American citizens. They learn the rights and the duties of American citizenship by actual practice. Serious social problems constantly arise; but the experience of the past encourages us to believe that we shall be able to solve these problems by earnestly grappling with them in the recognition of our rights and the performance of our duties.

THE FOUR GROUPS OF RIGHTS.

31. Industrial Rights.—The citizen has the right and the duty to support himself and those dependent upon him by honorable labor: such rights and duties are called Industrial. These are many and of first importance. Within this group fall all the rights of laborers, operatives and of makers of things of every description. Industrial rights and duties affect the business, the material interests of the household, and the productive interests of the country—the farms, manufacturing plants, the wages of men, women and children, the hours of labor, the means of transportation, such as railroads, canals, steamship lines, express companies and common carriers. Industrial rights and duties also extend to society at large. America has *various relations with other countries; we use arti-*

cles produced in foreign lands, and they use articles made by us. Our industrial interests comprise a large portion of our wealth, and government guards them with extreme care.

32. Political Rights.—The citizen has also opinions as to what he himself and society should do and what ideas should be supreme in the state. These ideas of control or government are called political ideas. His political ideas are his own property, and he has the right to express them and to carry them into effect with the aid of his fellow-citizens, provided that neither he nor they do or suffer wrong. His right is to do unto others as he would have them do unto him. Men are always trying to enforce their ideas upon others—*i. e.* to govern them. In this second group of rights and duties are all those rights of opinion concerning government, such as, what kind of government is best; how government should be administered; who should exercise authority; where that authority should be located. Political rights and duties affect all our opinions about human laws, the nature of public offices and the character of public officers. Political rights and duties are concerned when public servants are chosen, such as school-directors and assessors, tax-collectors and judges, governors and senators, members of Congress or the President of the United States. Political rights and duties are concerned in such ordinary and important matters as the carrying of the mails; the material, the quality, the quantity and the denominations of our money; the fixing of county, State and national boundaries; the support of an army and of a navy; and they are concerned also in such seemingly trivial matters as the shape, color and value of a postage-stamp and the selection of the man's face upon it. These rights and duties are of such importance that men organize powerful political parties to maintain their opinions, give *their energies*, time and money for the *support of these opinions*, and seek peaceful solution of gov-

ernmental problems by elections or compel the solution of them by wars and treaties. The political rights and duties of individuals have assumed so much importance in this country that they are often said to be the supreme interests of the citizen. But they are only one of a group of rights and are of equal interest with other rights.

33. Social Rights.—An American citizen is also part of society ; he has social rights and duties. These are of a comprehensive character, because they affect the nation as a whole. Social rights and duties are concerned in the establishment of all kinds of schools for the benefit of the public ; for the reformation of criminals ; in the maintenance of asylums for the aid of the afflicted, such as the blind and the insane. Society is interested in the preservation of health and public comfort, public order, good roads and bridges, clean and passable streets, safe public and private buildings, the lighting of public places, the removal of all substances that may poison the air we breathe or the water we drink. These rights and duties are liable to be neglected, although they are commonly admitted to be of vast importance. The welfare of society is often of greater moment than the comfort of an individual. When the interests of the individual and of society conflict, the individual must yield to society if society insists upon the yielding. This right of society is called the right of eminent domain.

THE RIGHT OF EMINENT DOMAIN is a sovereign right exercised by a government or by a corporation, by which individual interests are compelled to yield to the interests of society, of the corporation or of the government.

A CORPORATION is a body of persons authorized by law to act or do business as a single individual. A railroad company, a manufacturing company, a bank, a chartered city, are illustrations of corporations.

34. Moral and Religious Rights.—The citizen has also *moral and religious rights* : he is a child of God and lives in

relations with him. Man naturally worships some being superior to himself. We have rights of conscience and we have moral duties. These we are permitted to exercise freely so far as they do not break the peace of the State. These rights and duties are concerned in the maintenance of religion; the proper regard for the Sabbath; the reverence for sacred things and ideas; the support of public worship; the bettering of the world; the conscientious attention to the duties of life. For many centuries men struggled to realize the right to worship God according to the dictates of conscience: that right has been and is fully realized in this country. Closely related to these rights and duties are those of a moral character which are implied in the word "ought." All good government is moral in its character.

35. Rights often Mingle.—A right may at the same time be industrial, political, social or moral. We cannot always separate a right from its companions. Government is concerned to protect them all. A school illustrates them all: it is a place of industry; here we learn to govern and to be governed; it is a society, and has rights and duties as such; all schools are subject to moral rights and duties.

36. The Four Groups of Rights and Government.—All of our rights and duties are natural to us as human beings; government is based upon them, is protected by them, and in turn protects them. They all unite in the citizen. The government of a people is understood when its industrial, political, social and moral rights are understood. The sovereignty of an opinion and its expression in a form of government or in the election of a body of public servants represents all these rights; hence we have come to speak of our political rights as representative of all our rights and as of supreme importance.

CHAPTER III.

THE STORY OF POLITICAL RIGHTS IN ENGLAND.

37. Our German Ancestors.—About two thousand years ago the Roman Empire comprised the civilized world. It was busy conquering the barbarous nations, and sent its legions and its greatest soldier, Julius Cæsar, into Northern and Western Europe to conquer the strange peoples who then lived in Germany and Gaul (France). For nearly four hundred years the struggle continued, but the brave Germans were never conquered by Rome. On the contrary, the Germans in great numbers left their own wild country, and their armies marched into Italy and seized Rome. About 500 A. D. the different nations of Europe, as they are now located on the map, made a beginning. The Germans also moved westward into the lands now called Denmark, Schleswig and England. They were so strong as largely to fix the customs, the laws and the language of Northern Europe to the present day. From Germany to England and from England to America has been the journey of political rights. These rights and duties were not formerly so plainly understood as at the present time, for the knowledge of rights increases as men learn them by experience.

38. Constitutions.—Nations like individuals learn by experience, and they express their knowledge of rights and duties in important writings which we call “constitutions.” If you examine a written constitution, you observe that it is an instrument expressed in a formal way, and is divided into articles and sections. But written constitutions are not very old; the people of America were the

first people in the history of the world who formally set down their civil institutions in a written constitution. Since our ancestors began to form constitutions, two centuries ago, most civilized nations have learned to form them, so that it may be said that America has taught the world how to frame a written constitution. It is interesting to know how our ancestors in this country became in the habit of expressing their ideas on political rights and duties in a constitution. The story is as follows :

39. Origin of the Town and of the Township.—The Germans, whom the Roman legions could not conquer, were a brave, warlike and virtuous race. Every warrior was a freeman. He and his kindred lived together in a cluster of houses, each having a door-yard and a garden. Around this settlement of one kindred a hedge or ditch or rude, strong fence was made. The hedge was called a *tûn* ; it might enclose a farm or a hamlet. He who lived within the *tûn* was called a *tûnes-man*, as the dweller within the boundaries of the settlement is still called by us. The house of the *tûnes-man* was called *bâr*, or *burgh*, a dwelling, from which we get our words *borough* and *burgess*, and the last syllable of the names of some towns, as *Pittsburgh*, *Edinburgh*. The Northman called his strong house *gardr* or *garth*, whence our words *garden* and *yard*.

40. Freeman as Landholders.—The freeman owned land and was the head of a family. The unit of measure in rights and duties is the family ; this unit is found among savages, herdsmen, tillers of the soil and manufacturing peoples. The family is a sacred institution and as ancient as the race itself. All the lands controlled by the townsmen were comprised within the *tûnscipe*, or township, and to this day the township remains the unit of measure for our political divisions. When we say "town" or "township," we use a name that has been used continuously for more than two thousand years for the same object. *But government becomes more complex as men*

become more civilized. The townsman of to-day has many more political rights and duties than had the German *tünes-man* of long ago.

41. The Parish.—When Christian missionaries came among the Germans a new word came also—the word *parish*. The parish marked the boundary assigned by the Church to the priest for the performance of duties. The parish was usually of equal extent with the township. The word itself meant the *church-home*, for all the people of a parish had the same church home. The two words, township and parish, continued to describe the same area of land, and were brought from England to America as expressive of two harmonious ideas. The ideas of men changed and the words fell far apart as Church and State were separated, but in the southern part of the United States the term parish continues to mean what the term township signifies in the North—a civil division of the State.

42. The Hundred.—The German townsmen often assembled together in political meetings, called *gemoten*, for the purpose of electing town officers. At these meetings laws were made, and our word “*by-law*” is said to mean the law made by the township, or, as it was once called in Northern England, the “*by*.” The townships united for the convenience of administering justice comprised the *hundred*. The court of the hundred decided disputes. Jury trials were introduced by the slow growth of custom. The court of the hundred was the lowest court, and it so continues in Germany, England and the United States to this day. In some of our States even the word hundred remains, as in Delaware; the court of the hundred we commonly call the *Justice's court*.

43. The Shire.—Several hundreds comprised a *shire*, which meant a *share* or part of the whole country. The word is still common in England. In New England the word is often used in conversation, but the subdivisions of

the States in this country are commonly called counties, a name that was introduced into England by the Normans, and which then designated a military division of the realm. The shire had also courts and officers, the prototypes of our county courts and officers.

44. The Shire-reeve.—The principal officer of the shire then, as now, was the *shire-reeve* or *sheriff*, signifying then the representative of the king's authority, and with us the representative of the majesty of law and the authority of the people. The county court was held for the trial of cases more important than those tried in the court of the hundred or of the township. It is so at the present time, and now, as then, the person who is summoned to attend court is under the special protection of the law.

45. Our Civil Institutions very Old.—We see, then, that our civil institutions are very old, but the oldest are our local institutions, those that are right about us and which seem to thoughtless persons so commonplace. These local institutions lie at the foundation of our government and of the constitutional governments of Europe. Although the United States is a new country, its civil institutions are as ancient as those of England or Germany.

46. German Conquest of Britain.—About the middle of the fifth century the German tribes began to land in England. They soon made the country their own, and introduced German ideas and forms of local government. Two tribes took the lead: the Angles or *Inglics*, who gave their name to the language, and the Saxons, who gave their name to the civil institutions. Our institutions are not strictly Anglo-Saxon, for the Americans have discovered many rights and duties for themselves such as never have existed in Europe.

47. Civil Institutions Subject to Laws.—Political rights and duties are not discovered by accident or experiment; they are controlled by laws. These laws are based upon the nature of man. From time to time discoveries

are made concerning the nature of these rights and duties, just as discoveries are made concerning the nature of other natural phenomena. There is, however, this difference to be noted: rights and duties are discovered by experience; the nature of natural phenomena is determined by experiment. Human life and its interests are too sacred to permit experiments to be made for the purpose of discovering rights and duties, as experiments are made in chemistry to determine the nature of strange compounds. The closer a government gets to the experience of the people, and the less it experiments with them, the more the welfare of men is promoted. Only arbitrary despots like the Czars of Russia ever experiment with human beings. A law is sometimes called an experiment, but it is based upon previous experience. Oftentimes people who are corrupt or ignorant oppose the increase of knowledge of political rights and duties. This opposition is sometimes composed of masses of people deceived and misled by bold men. But such opposition to the general welfare has caused mighty struggles for rights, such as the wars that have devastated different countries at different times. We must keep in mind that political rights and duties are as natural to all men as eating or sleeping; if not subject to wise laws, men become politically diseased and think and act foolishly and wickedly, and have to suffer the consequences of their actions. A great law of politics is, that *the possession of power is the possession of responsibility*: in a republican government like our own this responsibility rests upon every citizen, for the authority of the government is the will of the people of the United States.

48. Freemen's Rights and Land Rights.—Anglo-Saxon ideas prospered in England, and in a few years overspread the land. In three centuries they were firmly rooted in the island. Land was held in two kinds of ownership: one, ownership by the individual; the second, ownership *by the public*, or, as we are accustomed to say, by the

state. The public land was called the *commons*, a word still used in some parts of our country as the name of public parks or squares. There were freemen with land and freemen without land, but the landed freemen enjoyed rights not allowed to the landless man. The notion that land-owning gives peculiar rights politically continues in England to this day, and it prevailed in some parts of the United States until about 1850.

49. Growth of Cities.—Great towns grew up in England, and the townspeople were very active and jealous of their ancient rights. The kings frequently tried to restrict the liberties of the towns, but the resistance of the towns was too great. So as time passed the people liked their ancient rights better and better; they liked the freedom that was guaranteed by their old laws and customs. Often they were called upon to assist the sheriff in the execution of the laws. One of these old customs, called the “Hue and cry,” still continues.

50. Hue and Cry.—If a person in the hundred or the shire had committed a crime, he was quickly pursued by those whom he had wronged or by the sheriff. If he could not at once be found, the *hue and cry* was raised, and all the people joined in the search until the offender was seized. The sheriff still has the authority to call on the people of the county, the “*posse comitatus*” as it is called, when he alone is unable to execute the laws.

51. Juries and Tax-levies.—The English people liked the free and ancient manner of acquiring and of conveying land; they liked their old custom of trying suits at law before a jury of twelve men, who saw the parties in the dispute face to face, heard the story of each party and decided according to the facts in the case. They liked also the ancient manner of levying taxes, which was to allow the elected representatives of the people of each township to levy the taxes for that township. This was *in accordance with the rights* of local government. Is it

strange that the people came to speak of their rights as "the ancient and undoubted rights of the people of England"?

52. The Norman Conquest.—A great change came over England in the year 1066: the Normans, a Franco-German people, conquered the island. These French-speaking Germans took all the land of England as a military tribute, and the Norman leader, William the Conqueror, took the title to all the land. He gave part of it to his nobles on condition that when he wished their services they would instantly come and serve him: the land taken in this manner by a nobleman was called a *feud* or *fee*, and the system thus begun was called the *Feudal System*. The feudal system still prevails in England, but it never prevailed in the United States. It lies, however, at the foundation of some of our ideas about land. By it the title of all the land was vested in the king. With us the title of land is vested in the owner of it, but if the owner is not the state, the title of the land can be traced back to the state, for the state in this country is the lawful successor to the king.

53. Origin of Taxes.—The personal service of the lord in war was not regular, and after a time the king consented to take a definite sum of money instead of war-service; the lords thus became taxpayers, but they collected the money for the taxes from the people who lived upon the land, and these people were the descendants of the ancient owners of the land.

The king was supposed to be the real owner of the lands and to protect them, and, as he had given the land to the lords, they did not dare refuse to pay him taxes, lest he should take their lands away and give them to others. In the United States we know that if a person fails to pay the taxes levied by the authority of the State, the sheriff *will seize his land* and sell it. The sheriff represents the *people of the State* by whose authority the taxes were

levied. In England the Norman king was the state, but he did not represent the wishes of the people.

54. The Rising of the People against the King.—One by one the ancient rights of the English people were taken from them by the king. Landholding became insecure; the old laws and customs were ignored; the people complained, but the king would not listen. At last the Archbishop of Canterbury, Stephen Langton, invited some of the barons of England to join with him in compelling King John to acknowledge, and rule according to the undoubted and ancient rights of the people of England. John refused; the king and the barons prepared for war, but the king's heart failed; he had a bad cause: he consented to grant a charter of rights, by which the old laws and customs should be restored and the people protected in the exercise of their ancient rights and liberties.

55. The Great Charter.—On the 15th of June, 1215, a memorable year in the story of liberty, the archbishop and some twenty resolute barons—statues of whom now support the ceiling of the House of Lords—met the king and his barons on a little island in the Thames, called Runnymede, about fifteen miles above the city of London. There and then the king was forced to acknowledge the ancient rights of his people in a charter called *Magna Charta*, the "Great Charter," and as the king and many of his barons could not write their names, they tied their seals to the charter with leathern strings, and the charter with its seals of stone may be seen in the British Museum to this day. The king tried to ignore the charter, but the people and their barons waged war against him with such success that he and his successors for more than seven hundred years have sworn "to rule according to the law of the land" and support the principles of the charter. This promise of the king of England at his coronation is similar to the custom that prevails in the United States at the inauguration of a President, who takes a sol-



KING JOHN AFFIXING HIS SEAL TO MAGNA CHARTA.

emn oath to "preserve, protect and defend the Constitution of the United States."

56. The House of Commons.—But some of the kings broke their promises to the people. Fifty years after the Great Charter the people of England found another patriotic leader and friend in Simon de Montfort, who seized the king, Henry III., and summoned the representatives of the people in a Parliament. The people had once been accustomed to choosing an assembly of their wise men, who had made the laws of the land, but in 1265 these assemblies had long fallen into disuse. De Montfort simply restored them and gave them a French name, *Parliament*, the "talking body." In this first English Parliament the people were again represented by two men from each shire and two from each borough. These representatives of the people soon united to form the *House of Commons*, which continues to this day as the representative council of the people of England. The Commons are elected by the Englishmen who vote. The king's council became the House of Lords, an hereditary body. The Lords are descendants of old land-barons or are men raised to the peerage by the king.

57. Powers of the House of Commons.—The Commons soon showed their power to be greater than that of the Lords. From ancient times the representatives of the people of the shire had voted the taxes to be raised by the shire; the Commons therefore voted the taxes for all England. The existence of the army and of the navy and of the entire clerical force of the government depends upon the vote of the House of Commons. Even the money for the king's household is the gift of the House of Commons.

58. Struggle between King and Commons.—For the last five hundred years in England the king with the lords have been *struggling* against the commons. Sometimes the *House of Commons* has been frightened into a

brief surrender of ancient rights, but the people have always regained more than they seemed to lose. England has become more and more democratic every day. The struggle between king and commons reached its height during the time of the House of Stuart.

59. The Petition of Right.—In 1628 the House of Commons wrung from the king the second charter of liberty, the *Petition of Right*. By this charter the king gave up for ever all claim to the right of levying taxes; he no longer could imprison a subject at will; he could not quarter soldiers in any house without the consent of the owner. But after a few years King Charles I. disregarded the Petition of Right.

60. Civil War leads to the Commonwealth.—The king and his followers, called the royalists, made war upon the House of Commons. Civil war raged for about six years, till the king was made a prisoner, was tried by a jury in the great hall of William Rufus, was sentenced to death, and was executed, because he had attempted “to rule contrary to the law of the land.” Then for twelve years the people of England had no king, but were governed by Parliament. Oliver Cromwell, one of the greatest of Englishmen, became chief executive with the title of Lord Protector, a significant title for the chief magistrate of a free people. England was a commonwealth. But the royalists wanted a king, and they succeeded in restoring a son of the beheaded king, and Charles II. ruled in England. Liberty had made much progress under the Commonwealth, and it continued to progress under the rule of the new king.

61. Habeas Corpus the Security of the Citizen.—Although Magna Charta had said that no man should be imprisoned unless by the legal judgment of a jury of his peers, still in some instances persons sent to prison by the *king's warrant* had been kept there without help or remedy. In 1679, Parliament remedied this evil by passing

the *Habeas Corpus* act, which prevented the king and his successors and all others in authority from keeping prisoners in jail at pleasure. Every prisoner in England and in this country committed to jail on charge of any crime is entitled to have a hearing before the court in his own behalf, and have the charges against him examined lawfully. The words *habeas corpus* mean, "Have the body." By the exercise of this right the body of the prisoner must be brought before the court to answer in his own behalf whether he shall be returned to jail or set free by the judgment of the court and the law of the land. The act has been re-enacted in every American State, and is considered the most famous security of personal liberty known to our laws.

62. **The Bill of Rights.**—Nine years later, in 1688, the English people by their representatives in Parliament expelled their king, James II., brother of Charles II., because he persisted in attempting to rule contrary to the law of the land. They declared the throne vacant, and invited William, Prince of Orange, to take the crown, on condition that he would acknowledge the ancient rights of the English people and swear to support and defend them. That there might be no mistake concerning these rights, Parliament drew up a statement of the principal rights long claimed and contended for by the people. This statement is the famous Bill of Rights of 1688. Prince William consented, and a member of Parliament placed the crown upon the new king's head as the first constitutional king of England. So it is truly said that since 1688 the monarchs of England have their title by act of Parliament; that is, by the consent of the representatives of the people of England.

The Bill of Rights has been called the constitution of England; but that statement is not quite correct, because the English people *have never reduced their civil institutions to writing.* The British constitution consists of the

law of the land, its civil institutions, and the rights and duties of the English people.

63. The Experience of England Beneficial to America.

—The long and successful struggle for rights in England was of incalculable advantage to America. But the Englishman of the seventeenth century had not the rights now enjoyed by a citizen of the United States, nor even by a citizen of England to-day.

In 1688 an Englishman had not the right to worship God according to the dictates of his own conscience; he had not the right to educate himself; he had not the right to vote; he had not the right to choose a trade or occupation; he had not the right to own land; he had not the right to travel; he had not the right to express or publish his opinions.

The Englishmen who came to America during the century and a quarter in which the American colonies were founded brought with them many ideas which would not now be tolerated. These ideas, however, were immediately enthroned in the customs and laws of the colonies. The rights of the citizen of the United States have increased rapidly in a hundred years, and they are enlarging constantly as he becomes conscious of them and lives up to the demands of his industrial, political, civil and moral duties. America has outgrown the limitations of the rights of the people in her early colonial days, and has become the freest country in the world.

CHAPTER IV.

THE STORY OF POLITICAL RIGHTS IN COLONIAL AMERICA.

64. The People of the Colonies.—Most of the early colonists were English people, and they claimed all those ancient and undoubted rights for which the people of England had so long contended. These rights and liberties were guaranteed them by the Crown in charters granted at various times from 1606 to 1732. From the beginning these rights were asserted and applied. The Virginians organized their House of Burgesses in 1619, after the model of the House of Commons. In 1620 the Pilgrims, while yet on board the "Mayflower," drew up and signed the famous compact which implied the possession of all these rights, and which was the first written constitution in America. It was the civil experience of the people of England that laid the foundations of representative government in the colonies.

65. The Colonial Governments.—The colonial governments were organized under the tripartite form of executive, legislative and judiciary, but these departments were not distinct from each other; the executive was constantly invading the domain of the legislative, and the judiciary was not independent. In time the colonies fell into three civil groups, known as the Royal, the Proprietary and the Charter Colonies. These were alike in one respect, that in each colony the freemen elected the members of the lower branch of the legislative department, usually called *the Assembly*. This lower house possessed exclusively



SIGNING THE COMPACT IN THE CABIN OF THE MAYFLOWER.

(See page 164.)

the right to levy taxes and to appropriate the public money. In each colony the Assembly was a local House of Commons, and in North Carolina it was known by that name. In the royal governments all officials save the members of Assembly were appointed by the Crown or by the colonial governor, himself so appointed. Even the legislative branch felt the royal power, because its upper house, called in some colonies the Senate, or more commonly the Council, was appointed by the governor. He also appointed the ordinary administrative officers, both civil and military. In the proprietary governments the lord proprietor took the place of the king, and made similar appointments. In the charter governments the members of the legislature and the governor were elected, but the judiciary was appointed by the governor. At the time of the Revolution, Connecticut and Rhode Island were charter governments; Maryland and Pennsylvania were proprietary; and the remaining nine were royal.

66. Defects in these Governments.—The lack of a foundation on the will of the people was the chief defect of the colonial governments. They were not democratic in character, and government was conducted largely by those who could not be held responsible for their acts. There was least complaint of this kind in the two charter governments, and the evidence of their excellence is their continuation long after the Revolution; Connecticut continuing her government under the charter of 1663 until the adoption of her constitution of 1818, and Rhode Island her charter of 1663 until her constitution of 1842. Had all the colonies enjoyed charter governments, the Revolution might never have occurred. But in eleven colonies the people had slight control over public affairs. The royal governors were creatures of the Crown who came to America to better their fortunes. The governors sent over by the Penns and the Calverts were no better. As no *act of Assembly* could become a law until approved by

the governor and finally by the Crown, the people had frequent occasion to complain that their governors had refused assent "to laws the most wholesome and necessary for the public good." If a governor nowadays refuses to sign a bill, the legislature may make it a law without his assent. The people of the colonies had no means of redress; they were at the mercy of their governors, who, by declaring what bills they would sign or the king would approve, seriously interfered with the independence of the legislative and imperilled one of the most important principles of free government. The governors were in no sense responsible to the people, though receiving their salaries out of the public treasury; the executives in eleven of the colonies were military officials rather than civil officers. The whole tendency of royal government in America was to make the military superior to the civil authority. The governors had the right to assemble, to adjourn or to dissolve the colonial legislatures; they called the Assemblies together "at unusual, uncomfortable and distant places," for the sole purpose of fatiguing them into compliance with their measures; they frequently dissolved them without cause, and by their arbitrary acts imperilled the progress and safety of the colonies. Royal interference was a subject of common complaint. The Assemblies in America thus came to continue the old struggle between king and commons. It was the struggle between democracy and absolutism, between representative government and an unconstitutional monarchy.

67. Restriction of Colonial Trade and Industry.—A fertile source of complaint amongst the colonists was the parliamentary legislation which practically prohibited colonial trade and arrested the development of American resources. The act of Parliament of 1660 compelled the shipment of all articles to or from America in English *ships* manned by English sailors. The act of 1663 compelled the colonists to buy all their supplies in England,

and in England only, and prohibited manufactures in America. "Even William Pitt, the friend of America, declared that she had no right to manufacture even a nail for a horseshoe except by permission of Parliament." The act of 1672 compelled the Americans to send their products from one colony to another either by way of Bristol, England, and pay duty there, or, if sent directly from colony to colony, to pay the duty in America. These laws were in force in 1776, and had been strengthened by many particular acts of the same nature.

68. The Question of Taxation.—The struggle between the king and the colonists was intensified when the British Parliament in 1765 took sides with the king and asserted its right to tax America, as he asserted his right to govern it. The Americans denied the right of Parliament to tax them, and formally set forth their opinions in the Declaration of Rights of 1765, in which they said :

"That it is inseparably essential to the freedom of a people, and the undoubted right of Englishmen, that no taxes be imposed on them but with their own consent, given personally or by their representatives.

"That the people of these colonies are not, and from their local circumstances cannot be, represented in the House of Commons, in Great Britain.

"That the only representatives of the people of these colonies are persons chosen therein by themselves; and that no taxes ever have been, or can be constitutionally imposed on them, but by their respective legislatures."

The adoption of the Declaration of Rights crystallized the feelings and opinions of the colonists. At once it began to be said in America that the rights of the colonists were their ancient and undoubted rights, and that these rights were natural; that the colonial Assemblies were the real House of Commons in America, that the real sovereign there was the *sovereign* people, and that the time had *arrived to assert their political and industrial freedom.*

69. The Declaration of Independence.—At last came the inevitable expression of the political and industrial rights of the colonists; it is the Magna Charta of America—the great Declaration of 1776. This famous state paper discloses the civil and political and industrial claims of the people of the thirteen colonies, and concludes with the resolution—

“That these United Colonies are, and of right ought to be, free and independent States; that they are absolved from all allegiance to the British Crown, and that all political connection between them and the State of Great Britain is, and ought to be, totally dissolved; and that as free and independent States they have full power to levy war, conclude peace, contract alliances, establish commerce, and do all other acts and things which independent States may of right do. And for the support of this Declaration, with a firm reliance on the protection of Divine Providence, we mutually pledge to each other our lives, our fortunes, and our sacred honor.”

70. The Revolution.—The action of the colonists in declaring themselves independent resulted in war. The king sent over large bodies of troops to compel the colonists to recognize his authority. These royal troops were trained and disciplined soldiers, well supplied with food, clothing and all the munitions of war.

The troops of the colonists were men of peaceful habits, who left their farms, their workshops and their homes to defend their rights. They were without experience in the art of war, poorly equipped with arms and scantily supplied with food and clothing. On many occasions large bodies of troops passed whole days without food, and the snow-capped hills of Valley Forge, reddened with blood from their bruised and unshod feet, testified to their devotion to the cause of liberty and human rights.

It would seem that the struggle could not long endure, and that inevitably the king would conquer. But “there is a God that watches over the destinies of nations.” *After eight years of contest of varying fortune, the col-*



(See page 169.)

THE ADOPTION OF THE DECLARATION OF INDEPENDENCE.

onists were victorious; the royal troops boarded their ships and sailed back to England, and the United States of America, free, independent and self-governing, assumed its station among the sovereign nations of the earth.

71. The Colonies become States.—During the war the colonies were joined together in a loose federal government under the Articles of Confederation. This form of government proved defective; it lacked “a supreme executive, a supreme legislative and a supreme judiciary.” In 1787 a “more perfect union” was formed by the adoption of the Constitution of the United States, which guarantees the rights of the States and the rights of the citizen. The colonies became States, with written constitutions in which the familiar idea of a tripartite government was carefully followed. The colony of New Hampshire was the first to form a State government in 1775, before the Declaration of Independence. Most of the State governments were formed about the time of the Declaration. Thus it came about that the struggle for political rights in colonial America led to our independence and to the organization of our government in a dual form—the government of the States and the government of the United States. Henceforth government in America is to be a “government of the people, by the people and for the people.”

“Liberty is in her new home. Strong hands will subdue the wilderness, and brave hearts will establish an empire extending from the frozen regions of the North to the sunny climes of the South, from the stormy Atlantic to the peaceful Pacific. Through hardship, suffering and sacrifice, the great republic of the Western world shall rise to become a peer among the nations. Its starry flag shall be the emblem of the world’s best hope, for to it the oppressed of all the earth shall turn with longing eyes, and beneath it there shall be peace and plenty, and the recognition of the rights of men.”



PART II.

LOCAL GOVERNMENT.

God governs in the affairs of men.—FRANKLIN.

Government, of the People, by the People, for the People.—LINCOLN.

The village, or township, is the only association which is so perfectly natural that wherever a number of men are collected it seems to constitute itself.
—DE TOCQUEVILLE.

To the people we come sooner or later; it is upon their wisdom and self-restraint that the stability of the most cunningly devised scheme of government will in the last resort depend.—BRYCE.

*Not lightly fall beyond recall
The written scrolls a breath can float;
The crowning fact, the kingliest act
Of freedom is the freeman's vote.*—WHITTIER.

CHAPTER V.

THE PEOPLE AND THEIR HOME AFFAIRS.—HOW THE PEOPLE GOVERN THEMSELVES.

72. By the adoption of the Constitution of the United States, and the formation of a National and State governments, the colonist became a citizen. Both the Federal constitution and the State constitutions provided for a government of three departments, legislative, executive and judicial, and placed the whole power of government in the hands of the people themselves. Frequent changes, the result of experience, have been made in the forms and methods of local government, and at the present time there are to be found variations in the forms and methods of local government in the different States. The people govern themselves largely through the agency of political parties.

73. **Political Parties.**—As soon as the United States government was organized the people began to have different ideas about their rights and duties under the Constitution. Thus political parties originated among us. The power and influence of political parties have increased to such an extent that they now form the most important agency in the government of the people.

It is well for the country that the people form different political parties. Errors in the administration of government are less likely to occur and are more quickly remedied when one party keeps a close watch upon the policy and actions of its opponents.

74. **Party Committees.**—The interests of political parties are looked after by committees. Each party has a

national, a state, a county, a city, and usually a township or town committee.

75. The Primary or Delegate Election.—The primary or delegate election is held for the purpose of choosing delegates to a convention at which nominations for office are made. At the primary election only those are allowed to vote who belong to the party in whose interest the primary election is held.*

76. The Nominating Convention is held for the purpose of nominating candidates for office. It is composed of the delegates elected at the primary election. The delegates represent their whole party. Sometimes there is a difference among the delegates in regard to the nominations; if this difference cannot be reconciled, there is said to be a "split" in the convention; but usually each nominee obtains the unanimous vote of the convention. If the split is serious, the dissatisfied members of the party call another convention and nominate a ticket to their liking. The convention usually places its most available men on the ticket. In the convention the availability of a man usually counts for more than his ability. The business of the convention is to nominate candidates who will win. All members of the party are expected to support the nominees of the "regular" party convention. A person who runs for office without a regular nomination is called an independent candidate. The candidates and their friends contribute money for a "campaign fund," a name given to the money that is used before election for the purpose of securing the victory of their party.

77. State Conventions.—For the choice of candidates for State offices the representatives of different political parties assemble in their own conventions. The representatives are delegates locally chosen, and are often under

* The method of making nominations and conducting elections varies, but the method as given in this chapter is the most common. See note page 52.

promise to support some particular candidate; such delegates are said to be "instructed." In State conventions nominations are made for governor, lieutenant-governor, secretary of state, State treasurer, State auditor, and in some of the States for judges of the State supreme court and State superintendent of public instruction.

Members of the State legislature are nominated in conventions held in State senatorial districts and in State representative districts.

Members of the national House of Representatives are nominated in Congressional district conventions.

78. National Conventions.—The candidates for the Presidency and Vice-Presidency of the United States are nominated in a national convention, which is an assembly of delegates from all the States and Territories. Each political party holds its own convention, which usually consists of twice as many delegates as the Congress of the United States has members.*

79. Benefits of the Convention.—The convention represents the liberty of the citizens to assemble peaceably for the transaction of any business in which they are interested. It originated in New England at the suggestion of Samuel Adams, and, with some modifications, has spread over the entire country. When honestly conducted the convention is a simple means for ascertaining the wishes of the people in the nomination of public ser-

* The development of the political convention in America has kept pace with the growth of the conveniences in internal transportation. Before 1790 a convention consisted of representatives who could conveniently gather on horseback from a few adjoining towns. With the introduction of stage-coaches came county conventions. When the canal and the post brought people in closer association, groups of States began assembling in convention—a period culminating in 1825. A national convention was not possible until after 1850, the period of the beginning of railroads, and became a convention in a truly national sense only when the telegraph had brought all parts of the country into *closest relations*.

vants. It is the strongest bond of party union and the longest lever of political machinery known in America.

80. Evils of the Convention.—By the abuse of liberty politics becomes a trade. Political bargains are made between men who by their peculiar influence are able to bring out a strong vote for or against a candidate. In the convention political influence is paramount. This influence is generally legitimate, but when men called “bosses” use money or improper influence to carry the election, the convention is the place where they concentrate their efforts. At their hands the “campaign fund,” raised by the party for the purpose of employing political speakers, of hiring space in newspapers, of organizing political meetings, parades and other influences in the interest of the party, is sometimes deflected from its proper use and expended in buying votes. Electors may be found who are willing to sell their votes to the highest bidder, not realizing the immorality and the danger of such political corruption. An elector who will sell his vote is as faithless and dangerous a citizen as the unscrupulous political “boss” who purchases it: political corruption is the consequence of their wrong-doing.

The evils of the convention are far outweighed by its advantages, and are the exception, not the rule, in the United States.

81. The Evils should be Remedied.—Sometimes the people rise up against the bosses and overthrow them by rejecting the nominees of the convention and electing others more to their liking. As our entire political system of free government in this country starts in the convention, it is absolutely necessary for the welfare of the people, both in local and in national affairs, that the convention be kept just and pure. The responsibility of the citizen in such a government as ours requires him to be very bold, very just and very persistent in his demands for the purity of all political management. The subject is of the greatest

practical importance, and touches every right of the citizen, industrial, political, social and moral. *It cannot be too plainly understood that the demoralization of our politics means the ruin of our liberties, the overthrow of our institutions and our extinction as a nation.* The remedy for our political evils consists in an active sense of justice and an earnest demand for political honesty by every citizen of the Republic.

82. The Campaign.—After the nominations are made and publicly announced the campaign begins. Each party uses every means in its power for victory over its opponents. In local elections the excitement is usually small, but sometimes a brilliant campaign in a single State is the beginning of a national campaign. The activity of the newspapers and of the politicians and the general intelligence of the electors tend to keep the people familiar with the political issues of the day and the principles involved in our government, both local and national.

83. The Electors or Voting Citizens.—The right to vote is regulated by the constitution and laws of the several States, subject to the Constitution of the United States. The qualifications of the elector vary somewhat in different States, but all the States require the elector to be of sound mind, of the age of twenty-one years or more, and to be a resident in the State, county, township or town, city, ward or polling district where he offers his vote. Some States require the payment of a tax; others require the ability to read or write.

84. The Polling-Place.—The polling-place is fixed by law; it is the place for depositing the ballots of the electors. It is the one place in the United States where "all men are equal;" one vote counts as much as another. Each elector here mingles with his political peers, and by his ballot endeavors to impress upon the State or nation his own ideas or those of his party. This is the place *where the character* of our government, both local and

national, is determined. Our entire civil structure depends upon the opinions of the electors. The polling-place is under the protection of specific laws passed for the purpose of maintaining the purity and honesty of elections.

85. The Right to Vote may be Lost.—The right to vote is lost upon conviction of such crimes as treason, murder, forgery, bribery, larceny, duelling, election misdemeanors, embezzlement of public funds, malfeasance in office, and the giving or receiving of money or gifts to influence elections.

86. The Party at the Polls.—Men of the same party vote the same ticket. If they are a majority of the electors, they elect their candidate; disputed elections in the case of local officers or of State officers are decided by the courts: if the dispute concerns an election of a member of the State legislature, it is decided by the legislature itself. In the Congress of the United States each house decides as to the election of its own members. The party victorious at the polls becomes the “*administration*,” or the party in power.* The ideas of the party soon find expression in legislation, and affect all the rights, interests and duties of the people. This effect of party administration may be local, State or federal. If the effect of the party’s

* After the installation of a party in power, changes are made by it in the officeholders. Officials not belonging to the administration are displaced, and the offices are given to the friends of the administration. A great party is usually composed of factions. The leaders of these factions make political bargains by which the offices are divided among the factions. All political parties in the United States act on the principle “To the victors belong the spoils.” In order to prevent the evils of the “spoils system,” civil-service examinations for government appointments have been advocated, which has led to the inauguration of our civil-service reform. Applicants for government clerkships in several of the departments are now required to pass written examinations, and from the list of persons found to be qualified the appointments are made. The cardinal principle of civil service is, “No removal except for cause, and no promotion except for merit.”

administration of the government is believed by the people to be injurious to their interests, subsequent elections change the administration and commit the government to another party. In this way, by frequent elections, public servants are held responsible to the people for their administration of the government.

87. Election Officers.—Each election of public officers is under the care of election officers. They are administrative officers only; their duty is to conduct the election according to the laws of the State. Usually, the two most powerful political parties are equally represented on the board of election officers. Proofs of qualification are required of all voters at the discretion of the election officers.

88. Counting the Votes.—The time of election is usually from sunrise to sunset. At the close of the polls the vote is officially counted and recorded, and a correct report is sent to the court of the county. This report is called *the return*. The return is recorded in the county court as a part of the county records. It is the property of the State. The official count of the votes is also made known for the information of the people.

89. The Officer Elect.—The person receiving the highest number of votes is elected to the office to which he was nominated. Before assuming the duties of the office he takes the oath of office, swearing or affirming loyalty to the United States and to the State in which he lives if he is elected to a local or State office; but if chosen to a Federal office he takes only the oath to support the Constitution of the United States. The office is then turned over to him by the retiring officer.

90. The Press.—An important factor in matters of government is to be found in the press. We are a nation of newspaper-readers, and many of our political ideas are derived from them. Usually, the press is to be found on *the side of good government*. It influences the individual

elector; it influences the political convention; it advocates public reforms; and frequently, by consolidating public opinion, it compels negligent officials to administer their offices with a view to the public welfare. The press is free, and its freedom is guarded by all of our constitutions; hence public affairs are constantly subject to its scrutiny and criticism, and it thus becomes a valuable aid in helping the people to govern themselves.

91. The Town Meeting.—In the New England town the government is carried on directly by the electors, who come together in what is known as the town meeting. At the annual town meeting the electors determine the amount of money needed to defray the expenses of the town's government, they fix the rate of taxation, appropriate the money necessary for the support of the schools, the care of the roads, the support of the poor and for such other purposes as may be necessary, and elect the town officers.

The town meeting originated in New England, but it existed and flourished in all the colonies in the form of a public assembly.

Of late years, in some sections of the country, the town meeting has assumed new features; frequently, when a public question interests a community for any length of time, a town meeting is called and the question openly discussed. The town meeting thus becomes a living expression of public feeling; it is the voice of public opinion directed to the discussion of current questions, and has a powerful influence in moulding the opinions and actions of those in authority. Such a town meeting is to be distinguished from the town meeting which assembles for the purpose of transacting the civil business of the town.

CHAPTER VI.

THE STATE AND THE TERRITORY.



THE STATE.

92. Its Nature.—A State is a political community of free citizens, occupying a territory of defined boundaries, and organized under a government sanctioned and limited by a written constitution and established by the consent of the governed. Each State or commonwealth maintains a republican form of government.*

* The general form of government in the different States is practically the same. Each State has its executive, legislative and judicial departments and officers, as required by the State constitution, and each has administrative departments and officers, some of which are required by the constitution and some of which have been created by enactments of the State legislature or General Assembly. Local interests in a State will sometimes require the creation of an office unknown in other States, and there will frequently be found variations in the manner and method of accomplishing certain objects, in the number and names of officers and offices and in other minor matters of detail. In one State the title selectman has the significance of councilman or alderman in other States. The courts in which the estates of deceased persons are settled is in one State called the Orphans' Court; in another State it is called the Probate Court, in another the Surrogate's Court. In one State the highest State court is known as the Supreme Court, in another as the Court of Appeals, and in another as the Superior Court. In one State an officer performs a certain duty which in another State is performed by an entirely different officer. What is done in one State by a single officer, in another State may be the duty of a board of officers. A form or custom common in one State may not be found in another State. The study of the causes of these variations usually discloses the fact that they are

93. Its Government.—The government of the State is tripartite, and is vested in three departments, legislative, executive and judicial; it is entrusted by the people of the State, under a written constitution, to law-making, law-executing and law-judging officers.

94. The General Assembly or Legislature.—The legislative department is vested in two independent bodies called respectively the House of Representatives, the lower house, and the Senate, the upper house. The two houses comprise the General Assembly or State legislature. The legislature makes the laws for the State, which must not conflict with the Federal Constitution nor with that of the State, or they may be declared unconstitutional by the courts, and therefore null and void. These laws provide for the dealings of the citizens with each other, such as making contracts and partnerships, buying and selling lands, houses, goods and property of all kinds, making mortgages, deeds, promissory notes, checks, etc., for the organization and government of corporations such as insurance, railroad and telegraph companies, for the prevention and punishment of crime, for the establishment and support of charitable and educational institutions, for establishing and regulating courts, for the government of counties, cities, boroughs and townships, for the method of procedure in courts, for the qualifications of electors and all other matters in which the citizens of the State may have any interest.* It is the duty of the legislature to

ancestral in their origin. A section of the country the residents of which are of German descent will show differences in local matters from a section whose residents are of English or Scotch-Irish lineage. It should be remembered that these variations are merely matters of form; they do not conflict with the general plan of government, but, on the contrary, may be taken as evidences of an effort to secure the best form of local government. The details of the government of any State can be disclosed only by a study of the constitution of that particular State, and of the *forms and methods* in use therein.

* *Laws are made by the State legislature practically in the same*

make such laws as will promote the general welfare of the people of the State. All the laws of the State are enacted "by the authority of the people of the State."

The State is divided by the legislature for election purposes into representative or assembly districts, State senatorial districts and congressional districts. The representative districts are the most numerous, and are arranged with reference to local interests. The senatorial districts are arranged with reference to groups of interests, such as those of a county or of a city. The term of service for the House of Representatives is shorter than that for the Senate. The powers of the two houses are generally the same, except that usually the lower house has the exclusive right of impeachment, to levy taxes and to originate bills for the expenditure of money, while the Senate has the exclusive right of trying impeached officers and of confirming appointments made by the governor. The time allowed by law for the meeting of the legislature is called the session. The regular session varies in different States from forty to one hundred and fifty days. The tendency in the later constitutions is to limit the length of the session and to make it biennial. Legislators are paid a salary for their services, and they are allowed a sum of money called *mileage* to pay their traveling expenses in going to and returning from a session of the legislature; they have also an allowance for stationery and postage.

95. The Executive.—The executive is the governor, elected for a term of years. He is required to advise the General Assembly of the condition of the State, and recommend to its consideration such measures as he may deem necessary and expedient. It is his duty to see that the laws are faithfully executed. He represents the unity

manner as by Congress (see page 73, ¶ 132). The essential features are approval by a majority of both houses and by the governor; or, if the governor does not approve, then subsequent approval by two-thirds of **both houses.**

and power of the people of the State. He is commander-in-chief of the militia of the State, except when it is called into the service of the United States. He nominates to the legislature, usually to the State Senate, all State officers not elected by the people, and officers to fill vacancies until an election is held. He commissions all officers whom he appoints. He has the power to grant reprieves and pardons, except in cases of impeachment;* he signs bills passed by the legislature if he approve of them, or, if he disapprove, he refuses to sign, which refusal is called a veto. In some States he may disapprove a part of an appropriation bill and approve the remainder. Usually he has the power to call the Senate together for the purpose of transacting executive business, and to call the General Assembly together on extraordinary occasions.

96. The Judiciary.—The judicial power of the State is vested in the supreme court, called in some of the States the court of appeals, and in such lower courts as may be established by the constitution of the State or the General Assembly. The State constitution prescribes the mode of election or appointment of the judges and the jurisdiction of the courts. Most of the cases decided in the supreme court are brought before it by appeal from the lower courts, although it also decides cases that originate in the supreme court. The decision of the supreme court of the State is final, excepting for a certain class of cases designated by the Federal Constitution, which cases may be appealed to the United States courts.†

97. Administrative Officers.—The State constitution and the laws of the State provide also for officers connected with the executive department, whose duties are chiefly

* In some States the governor can exercise the pardoning power only on the recommendation of a board of pardons provided for by the constitution of the State.

† In Massachusetts and Rhode Island the term of service of the judges in the supreme court of the State is for life. In Delaware the

to administer the laws. These officers vary in the different States, but usually there is—

1. The lieutenant-governor, who presides in the State Senate, and in case of the absence, disability or death of the governor succeeds him as governor of the State.

2. The secretary of state, who is the agent of official communication between the State and other States and the United States. He is the keeper of the archives of the State, and prints or causes to be printed the laws as they are passed. He attests the signature of the governor in all official documents.

3. The State treasurer, who is the keeper of the moneys belonging to the State. He is under bonds with sufficient securities. He receives all money raised by taxation for State purposes, all fines, penalties and revenue from the sale of State lands and other sources, and pays out money upon warrants duly presented to him according to law.

4. The State auditor, who examines the financial accounts of all State officers and makes an annual report of the condition of the finances of the State. His duties are of great importance in determining the exact financial condition of the State.

5. The attorney-general of the State, who is the legal adviser of the governor and of the heads of departments. His opinions have great weight in influencing the governor in the exercise of his executive duties.

6. The State superintendent of public instruction, who judges retire at seventy years of age. In the remaining States the judges serve for a definite term, varying from a term of two years in Vermont to a term of twenty-one years in Pennsylvania. In six of the States—Connecticut, Georgia, Rhode Island, South Carolina, Vermont and Virginia—the judges are elected by the State legislature. In four States—Delaware, Louisiana, Mississippi, and New Jersey—the judges are appointed by the governor with the approval of the State Senate. In Maine, Massachusetts and New Hampshire the judges are appointed by the governor with the approval of the council. In the remaining States the judges are elected by the people.

is the chief officer in the State system of public schools. He has in his care the public educational interests of the people of the State. He decides questions of law and of procedure in school affairs, and his decisions are usually upheld by the courts. He reports the condition and needs of the schools to the legislature. His principal duty is to secure uniformity, harmony and efficiency in the public schools.

7. Each State has usually a State librarian, who is in charge of the State library; a State printer; an insurance commissioner, who examines into the condition of the various insurance companies doing business in the State; and railroad or canal commissioners, whose duty it is to examine into the operations of all railroad and canal companies so far as the business of these companies comes within the jurisdiction of the State.

There are other officers, commissioners, boards, bureaus, etc., created to meet the varying wants and interests of the different States. All officials whose duties are administrative make annual reports to the State legislature of the condition of the public interests committed to their charge. These reports are published by the legislature as public documents for general distribution.

98. The Supreme Law of the State.—The supreme law of a State is its constitution. The people of a State have the right to frame a new constitution at their pleasure. Several States have had two or more constitutions. From time to time public opinion changes, and laws and constitutions reflect these changes. The tendency of American thought in the past century has been toward greater liberality in opinion, politically, industrially, socially and morally. The old "blue laws" of Connecticut would not be tolerated now. The greatest changes in the State constitutions and laws have been made in the recognition of political and civil rights.

The rights secured by the constitution and laws of the

State are—personal security, personal liberty, private property, protection of public property, freedom of worship, freedom of speech and of the press, trial by jury, public meeting, the writ of habeas corpus, the obligation of contracts, the exemption of the citizen from unreasonable searches and seizures of his person or of his effects, and from cruel and unusual punishments; and the supremacy of civil over martial law. (See ¶ 63, page 34.)

99. State Institutions.—For the welfare of its people the State maintains various public institutions. For the support of asylums, penitentiaries, reformatories, prisons, scientific institutions, schools, colleges and universities the State makes grants of land or appropriations of money. Appropriations for these and for other purposes compel the levying of a tax upon the people of the State.

100. Taxation.—The right of the State to tax property within its limits is a sovereign right necessary to the existence of the State. Taxation is just, necessary and advantageous both for the State and for the individual. A tax is a contribution imposed on citizens and on corporations for the service of the State. This service consists in the maintenance of the State government for the protection of the industrial, political, social and moral rights of the people. A single individual alone could not protect his rights, but by association in government all individuals are protected. The tax paid by the individual is not sufficient of itself to obtain for him all the rights to which he is entitled; it would not educate his children, nor pay a person to protect his property, nor maintain good roads. When every individual is taxed, and the State thus obtains a large sum of money, the means is provided for the protection of all the rights of each individual. That which could not be accomplished by the individual alone is easily accomplished by the *association* of individuals in government and by a system *of public taxation*.

101. Income of the State.—The income of the State is derived from taxes, fines, penalties, licenses, charters, fees of administrative officers, land sales, interest on loans, profits on industries engaged in by the State, the sale of franchises to corporations, from the estates of persons dying without heirs, whose property by law becomes the property of the State, and from various other sources.

102. Title to Land in the State.—When the American colonies became States, each State became the source of all land titles within its own jurisdiction. If the title to the land is vested in any private person, he holds it subject to the perpetual claim of the State for taxes on the property.

103. Boundaries of the State.—The boundaries of the original thirteen States were determined by royal charters and by actual settlement. The king and his advisers were totally ignorant of the geography of America, and the charters bred hopeless confusion in colonial boundaries which led to disputes between some of the States.* Every State boundary has been accurately surveyed. Some State lines have become historic, as the southern boundary of Pennsylvania known as Mason and Dixon's line, after the names of the two surveyors who in 1766 marked off the line as decided by the English Board of Trade. They placed the arms of Pennsylvania on the north face of the boundary-stones, and on the south face the arms of Lord Baltimore. The boundary owes its fame to the fact that it became the boundary between two industrial sections of the country. The Supreme Court of the United States alone has the authority to settle disputes as to the boundaries of a State.

104. Regularity of Western States.—When a new

* Penn's deed from King Charles specifies "A tract of land in America lying north of Maryland, on the east bounded by the Delaware River, on the west limited as Maryland is, and northward to extend as far as plantable."

State is admitted into the Union, Congress fixes its area and boundaries. The States formed by Congress out of the public domain, and their county divisions, are quite regular in contour. The difference between the contour and the county divisions of the old States and those of the new States shows how a strong national government can determine the shape and dimension of States.*

THE TERRITORY.

105. Government in a Territory.—Government in a Territory is tripartite. The governor, the judges, the secretary of the Territory, the marshal and the attorney for the Territory are appointed by the President, with the consent of the Senate, for a term of four years. The Territorial legislature consists of two houses, the Council and the House of Representatives, elected by the qualified electors in the several districts into which the Territory is divided. The legislature is empowered, by act of Congress, to make laws for the government of the Territory, and these laws, having been approved by Congress, prevail in the Territory. All township, district and county officers are either elected or appointed, according to the provisions of Territorial law. The electors in a Territory do not vote for Presidential Electors. Every Territory is entitled to send a delegate to the House of Representatives of the United States, to serve during the term of Congress to which he is elected. He is chosen by the qualified voters in the Territory. A delegate's function is to inform Congress of the condition and wants of the Territory which he represents. The delegate has the right of debating, but not of voting, in Congress. Each Territory is divided into three judicial districts, and has a supreme court and three district courts. There are also justices' courts. The marshal of the Terri-

* Compare a map of Virginia with a map of Kansas. Notice the irregular contour of the former State and of its counties and townships compared with the latter.

tory executes all processes of the Territorial courts, and performs, in general, the duties of a sheriff in a State. The attorney for the Territory performs duties similar to those of an attorney-general of a State. All Territorial officers appointed by the President are paid salaries out of the treasury of the United States, and Congress annually appropriates an amount for the expenses of the Territorial legislature which is the limit of legislative expenses in that Territory.

106. How a Territory becomes a State.—When the people of a Territory desire admission into the Union as a State, they elect delegates to a Territorial constitutional convention, which frames a State constitution and submits it for approval to the electors of the Territory. If approved, this constitution, with the petition of the Territorial legislature asking admission as a State, is presented by the Territorial delegate to the Committee on Territories in Congress. The committee, if favorable to the admission of the Territory, presents a bill which, if passed, becomes the enabling act permitting the admission of the Territory. Sometimes the people of the Territory do not frame a constitution until Congress has passed the enabling act. In either case Congress must approve of the constitution, define the boundaries and determine the name of the new State. The new State organizes its civil government under its constitution, and its admission into the Union is formally proclaimed by the President of the United States.

107. Definition of Government.—Having traced Government from rude beginnings among savage tribes to some of its highest results among civilized people, we are now ready for a statement of its meaning. *Government is the direction and control of human interests, and is founded upon human rights.*

NOTE.—The government of the city, the county, the township, town or parish varies in the different States, and it is left to the teacher in any locality to explain the nature and duties of local officers, whether

lected or appointed, etc. Each community has officers whose duties are executive, judicial, legislative or administrative in character. The study of these duties, and of the variations and peculiarities in the forms of local government, will prove interesting and profitable for the class. Local government can be studied best at first hands. In the township, town or parish a visit to the nearest justice, and in the county a trip to the county-seat, will secure any needed information. The local newspaper, local customs and usages, anecdotes and traditions, can be used to advantage in making the study of local government interesting. In large cities a manual of the city government is generally published by the city authorities, and any needed information in regard to the government of small cities can be obtained from any of its officers. (See *Questions page 216.*)

The terms *township* and *town* have a varying significance in the United States. In the States in which the system of government surveys has been followed the congressional township is simply a tract of land six miles square. It has no governmental organization, and, politically, has no connection with the county. In the Middle States a *township* is a political division of the county, and is the unit of government. A *town* in the Middle States is a large village, a borough or a small city. In New England there is no *township* division of counties; the *town* is the unit of government, and the county is made up of *towns*. The term *parish*, used in some of the Southern States, has the significance of the *town* in New England and of the *township* in the Middle States. In Louisiana the county is known as the parish. (See page 24, ¶ 41.)



PART III

THE NATION.

The Nation is formed as a power on the earth. It is invested with power of God; its authority is conveyed through no intermediate hands, but is given of God. It is clothed with His majesty on the earth. It is ordained of God to do His service.—MULFORD.

You will have to look back upon a century of national advancement without a parallel in history, and to look forward to its probable continuance upon a still larger scale, with an accumulation of high duties and responsibilities proportioned to an ever-growing power.—GLADSTONE.

To the efficiency and permanency of your Union a government for the whole is indispensable. . . . This government, the offspring of your own choice, uninfluenced and unawed, adopted upon full investigation and mature deliberation, completely free in its principles, in the distribution of its powers uniting security with energy, and containing within itself the provisions for its own amendment, has a just claim to your confidence and your support. Respect for its authority, compliance with its laws, acquiescence in its measures, are duties enjoined by the fundamental maxims of true liberty.—WASHINGTON.

CHAPTER VII.

THE LAW-MAKERS AND THE LAWS.

108. Sources of Our Laws.—When the authority of the king of England was overthrown in America, the people became the source of law, and they have delegated this power to the State legislatures and to Congress. In order to make plain the powers thus delegated, the State constitutions and the Constitution of the United States declare what law-making powers exist in the State and in the national legislature. The Constitution thus becomes the guide in all law-making.

The councils of a city make the laws for the city. The State legislature makes the laws for the State. The Congress of the United States makes the laws for the nation. Its laws are called acts. An act or law of Congress, if in conformity with the Constitution of the United States, becomes one of the supreme laws of the land until it is repealed by Congress or expires by limitation of time.

But our laws really are made by the people, because the law-makers are the representatives of the people.*

* **LOCAL-OPTION AND PROHIBITION LAWS.**—The evils of intemperance have led to organized efforts in various States to control the manufacture and sale of intoxicating liquors. The legislatures of some of the States have passed laws restricting or prohibiting the manufacture and sale of alcoholic liquors. These laws have been sustained by the Supreme Court of the United States as constitutional and within the power of a State legislature. In other States the legislatures have enacted laws by which the restriction or prohibition of the sale of liquor is left to the vote of the electors in each county, town or township. *The sale of liquor is thus determined by the option of the locality voting, and such localities are said to exercise "local option."* Efforts have

109. The Congress.—When our national Constitution was under discussion in 1787 two political parties were in the Convention: one party wished to base the Constitution upon the States; the other wished to base it upon the people. By a peaceful compromise both methods were followed in the organization of our national legislature. The Congress has two houses: one, the Senate, represents the States; the other, the House of Representatives, represents the people—the two comprise the national legislature. The two branches of the legislature must act together in making a law.

110. The House of Representatives.—Once in two years the electors in each State choose members of the House of Representatives. Any person who by the law of the State is qualified to vote for a member of the lower house in the State legislature may vote for a Representative in Congress. The election of Congressmen throughout the Union, with few exceptions, is held on the Tuesday after the first Monday of November.*

111. Qualifications of a Representative.—A Representative must be twenty-five years of age, a citizen of the United States seven years and an inhabitant of the State in which he is elected. National citizenship is of more importance than State citizenship in the qualifications of a Representative: he may not have resided in the State long enough to gain a State residence, but he may be qualified as a citizen of the United States to become a member of the House of Representatives.

been made to amend the Federal Constitution and the constitutions of several of the States by adding a clause forbidding the manufacture, sale or importation of alcoholic liquors.

* Paragraphs 110–221, inclusive, present a study of the Constitution of the United States in its three departments, legislative, executive and judicial. In addition to the explanation of the text of the Constitution, the working of the national government is illustrated and explained.

112. Number of Representatives.—The membership of the House is fixed by act of Congress. Originally there was one Representative for every 33,000 inhabitants. Population has increased so rapidly that had this apportionment continued the present membership of the House of Representatives would be over eighteen hundred. To avoid so great a number, Congress every ten years reapportions the representation. From 1893 till 1903 the membership is one Representative for every 173,901 inhabitants, and Congress apportioned its present number, 356 members, among the States. The legislature of each State divides the State into as many congressional districts as it has Representatives in Congress.*

113. Vacancies in the House.—When a vacancy occurs in the representation of any State the governor of that State calls a new election, and the people choose a person to fill the vacancy.

114. Officers of the House of Representatives.—The House chooses its own officers, consisting of a speaker—who is a member of the House—and a clerk, a sergeant-at-arms, a doorkeeper, a postmaster and a chaplain, who are not members of the House.

The Speaker is the principal officer of the House. He is chosen by his fellow-members, and usually by the members of his own party only. He is the third officer in the Government in rank, and as he represents the people and names all the committees of the House, thus shaping legislation, he is next to the President in power. When the Speaker is about to be elected, the clerk of the last House presides until the election has been made. Members of the House draw lots for their seats, but members of the same political party sit on the same side of the hall.

The clerk keeps all the business of the House in order, but has nothing to do with the making of the laws.

* See Table, p. 211.

The sergeant-at-arms is the police officer of the House and sees that good order is observed. During the session, behind his seat, stands the symbol of the power of the House of Representatives, a slender bundle of ebony sticks bound about and tied with silver bands. Each stick ends in a spear-head, and in the midst of the bundle of spears projects a short column surmounted by a silver globe upon which stands a silver eagle with outspread wings. This symbol of power is known as the "mace." It rests upon a marble standard when the House is in session, and is taken down when the session closes. In case of disorder in the House, or disturbance among the members, the sergeant-at-arms takes down the mace and moves toward the place of disorder. At sight of the mace every Representative becomes orderly. He knows that this ancient symbol, used for centuries in the Roman Senate, is the symbol of the power of the people of the United States.

The doorkeeper has charge of the room of the House of Representatives.

Each daily session of the House is opened with prayer by the chaplain.

115. Oath of Office.—As soon as the Speaker is elected he is escorted to the Speaker's chair by the member of the House who has served the greatest number of terms—called on that account "the father of the House"—who administers the oath of office to the new Speaker. The Speaker then administers the oath to the new members, who come up before him by States for that purpose. The oath is a solemn promise to support the Constitution and the laws of the United States and to perform the duties of office faithfully, with the help of God. The oath is taken by every member at the beginning of the session. The House is now ready for business, and the Speaker announces the committees he has chosen. The leading committees are—*Ways and Means, Banking and Currency,*

Appropriations, Commerce, Rivers and Harbors, Foreign Affairs, Railways and Canals, Manufactures, Education, Labor, Patents, Pensions, Claims, Expenditures in the Various Departments, Enrolled Bills, Agriculture and Elections.

116. The Senate.—The Senate of the United States is composed of two Senators from each State, chosen by its legislature for the term of six years. Each Senator has one vote. Several instances are on record of a Senator serving for four consecutive terms.

117. Qualifications of a Senator.—A Senator must be thirty years of age, a citizen of the United States for nine years, and an inhabitant of the State for which he is chosen.

118. Vacancies in the Senate.—If a vacancy occurs in the Senate during a recess of the State legislature, the governor of the State appoints a person to act as Senator until the legislature meets and fills the vacancy.

119. Officers of the Senate.—The officers of the Senate are the President, the secretary, the sergeant-at-arms, the chaplain, the postmaster, the librarian, and the door-keeper. None of these are members of the Senate.

The Vice-President of the United States, elected by the people, is the President of the Senate, but he has no vote unless the Senate is equally divided. The other officers are chosen by the Senate, and their duties are similar to the duties of corresponding officers in the House of Representatives.

120. Oath of Office.—The Vice-President of the United States, when inaugurated, takes the oath of office, and when he meets with the Senate on the first day of the session he administers the oath to the new Senators, who swear to support the Constitution and the laws of the United States.

121. The President pro tempore.—As the Vice-President may become President of the United States, and as



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he may sometimes be absent from the Senate chamber, it might happen that the Senate would have no presiding officer. To avoid this difficulty the Senate, on the first day of the session or at such time as it pleases, elects, out of its own body, a president *pro tempore*, who presides when the Vice-President is absent.

122. The Committees.—The committees of the Senate are not appointed by the Vice-President, but by a special committee from the Senate itself. The Senate committees change but little from year to year, and the Senator of the majority party longest on a committee is generally its chairman. The leading committees of the Senate are Commerce, Finance, Foreign Relations, Inter-State Commerce, Judiciary, Executive Departments, Railroads, Immigration, Pensions, Public Lands, and Military and Naval affairs.

123. The Rules.—Each house makes its own rules, is the judge of the elections, returns and qualifications of its own members, and a majority of each house constitutes a quorum to transact business. There are also joint rules agreed to by both houses for mutual convenience.

124. The Journal.—Each house keeps a journal of its proceedings, and publishes it from time to time, except such parts as in its judgment require secrecy.

125. The Session.—Each Congress continues two years and has two sessions. The first session, usually called the "long session," begins on the first Monday in December in the odd years, and continues until adjourned by vote of the two houses. The second session, usually called the "short session," begins on the first Monday in December of the even years, and continues until noon of March 4th following. Neither house during the session of Congress can, without the consent of the other, adjourn for more than three days nor to any other place than that in which the *two houses* are sitting. The sessions of Congress, *except the executive sessions of the Senate, are open*

to the public. Each house convenes at twelve o'clock noon, and the daily session usually continues from four to six hours. The flag of the United States is always displayed on the Capitol building when Congress is in session.*

126. Impeachment.—The House of Representatives has the sole power to institute impeachments, and the Senate has the sole power to try impeachments. If the House believes that an officer of the Federal Government should be impeached, it appoints a committee called the “managing committee,” which presents the articles of impeachment before the Senate. In case of an impeachment the Senate sits as a court and its members are on oath or affirmation. If the President of the United States is on trial, the chief-justice of the Supreme Court of the United States presides in the Senate. In all other cases the Vice-President or President *pro tempore* presides. It would not be safe to allow the Vice-President of the United States to preside in the trial of the President, because he might be anxious to succeed to the Presidency, and therefore might decide contrary to the evidence presented by the House of Representatives. By constituting the chief-justice of the United States the presiding officer this temptation is removed.

The first case of impeachment before the Senate, that of Senator William Blount in 1799, determined that only “civil officers” under the Constitution can be impeached, and that a United States Senator is not a civil officer. The cases that have come before the Senate since that time are—1803, Judge John Pickering of the District Court of the United States, who became insane, was tried and acquitted; 1804, Judge Samuel Chase of the Supreme Court

* The first session of the Fiftieth Congress began Monday, Dec. 5, 1887, and adjourned Oct. 20, 1888, being the longest session in our history. The second session began Monday, Dec. 3, 1888, and adjourned March 4, 1889.

of the United States, acquitted; 1830, Judge James H. Peck of the Federal District Court, acquitted; 1862, Judge W. H. Humphries of the Federal District Court, convicted and disqualified from holding any office of honor, trust or profit under the United States, because found guilty of treason; 1868, President Andrew Johnson, acquitted; and 1876, Secretary of War W. W. Belknap, acquitted. A person impeached under the Constitution, and convicted, is liable also to indictment, trial, judgment and punishment according to law. Each house, with the concurrence of two-thirds of its members, may expel a member or otherwise punish him for a breach of its rules.

127. Compensation of Congressmen.—Senators and Representatives are paid \$5000 per annum out of the Treasury of the United States. In addition to his salary each Congressman is allowed \$125 a year for postage, stationery and newspapers; and *mileage*, which is an allowance of twenty cents a mile for traveling expenses in going to and returning from a session of Congress.

The reason for paying members of Congress from the national treasury is to make them independent of State influences, to enable them freely to consider the interests of the nation and not of their constituencies alone, and to enable men of limited means to become members of the national legislature. If there were no salary, Congress might become a body of wealthy men only, who might ignore the wants of their poorer fellow-citizens.

128. Peculiar Rights of Congressmen.—The national law-makers are amenable to the laws of the country, but except for treason, felony, or breach of the peace* they are privileged from arrest while attending a session of Congress and in going to or returning from a session.

For any speech or debate in either house a Congress-

* A felony is a crime formerly punishable by death or imprisonment.

A breach of the peace is a violation of public order amounting to a misdemeanor, and is punishable by fine or imprisonment.

man cannot be questioned in any other place; he has full liberty of speech, subject to the rules of the house to which he belongs. If Congressmen were not peculiarly protected in this way, they might be detained on false pretences from attending the session of Congress, and if not free to speak and debate in Congress their action would be restricted; outside influences would control the business of Congress, and law-making would become forced legislation.

129. Cannot Hold Two Offices.—While a member of Congress no Senator or Representative can hold any civil office under the Government of the United States, nor can any person holding any civil office under the United States become a member of either house at the same time. A member of Congress may be a State officer, unless the constitution of the State forbids; but a member of the President's Cabinet cannot while a Cabinet officer become a Senator or a Representative. This is unlike the provision prevailing in the British Government, which allows a Cabinet minister to be a member of Parliament. Nor can a member of Congress during his term of service hold an office that he has helped to create, otherwise members might be tempted to make remunerative offices for their own benefit. Another restriction on members of the national and of the State legislatures is against bribery: members found guilty of receiving bribes for political services are subject to impeachment and subsequent punishment. A member of Congress cannot accept payment from a citizen for any service except for legal services, and for some legal services, such as obtaining a pension, the law provides that he shall receive no pay. He is a public servant. But Congressmen have many pressing public duties, and should not be troubled by applications and personal matters of a trifling nature.*

* **THE LOBBY.**—Persons interested in obtaining the enactment of *laws for their own benefit* often frequent legislative halls for the *purpose of influencing the votes of legislators.* Such influence may some-

130. Titles.—Every member of Congress is addressed as “Honorable,” and if the address is written the house to which he belongs is indicated; as, Hon. J. E. Reyburn, M. C.—*i. e.* Member of the House of Representatives—or, Hon. John Sherman, U. S. S.—*i. e.* Member of the Senate of the United States.

131. Revenue Bills.—All bills for raising revenue must originate in the House of Representatives, but the Senate may propose or concur with amendments as on other bills. A bill for raising revenue is a bill for levying taxes; the Senate may originate a bill which requires the expenditure of money, but the House levies the tax required by that particular bill.

132. How the Laws are Made.—The laws of Congress are made in a uniform manner. If a bill is introduced by a member of the House of Representatives, the Speaker at once refers it to the proper committee.* The member gives the bill to the clerk of the House, who hands it to the clerk of the committee. Each committee has a room for consultation, and there, at the committee’s pleasure, the bill is taken into consideration; if the committee delay too long in considering it, the member makes inquiry about his bill. If the committee are favorable to the bill, they report their decision to the House. Reports from standing committees are usually called for at each daily session of the House, and they have precedence over other business, unless some particular business is made the order

times be legitimate, but usually it is pernicious. “Lobbying” is the name given to such influence by way of reproach. Lobbying may become the bribery or the intimidation of legislators, and defeat the very end of good government—the free expression of the will and the welfare of the people.

* Any citizen of the United States may originate a bill and send it to a member of Congress, who introduces it or places it before Congress for its action. Many of the laws made by Congress have their origin in bills presented by *request* or *petition* of private citizens. This shows *how closely the Government represents the immediate will of the people.*

for the day by vote of the House. When the report of the committee is received, the clerk takes the bill as the committee report it, and has it printed for distribution among the members. The bill is read three times by the clerk on three separate days; the House may order the three readings to be all on one day, but if a single member objects it must be read on three separate days. After the second reading it is debated and amendments may be made. The clerk then engrosses the bill, and reads it a third time to the House, when it is voted upon as an entire bill—that is, as it has been amended—and if it receives a majority of votes of all the members, it is passed. The bill is then taken by the clerk to the Senate, to which body the clerk in a formal manner announces that the bill has been passed by the House and that the concurrence of the Senate is desired.

The President of the Senate refers the bill to the committee of the Senate having such bills in charge, by whom it is duly considered and reported to the Senate. The secretary of the Senate reads the bill three times on different days. The Senate may order the three readings on one day, but if a single Senator objects the bill must be read on three separate days. After the second reading it is debated. The Senate may amend by adding to or by taking from the bill as it came from the House. After the amendments are made and additions to the bill are engrossed, the bill is read the third time, and, if agreed to by a majority of all the Senators, it is passed by the Senate.

The secretary of the Senate brings the bill to the House, by which the Senate amendments are debated, and if the amendments are agreed to the bill is passed. In both houses, on the final passage of a bill, the vote must be taken by yeas and nays, and the names of the members and the way they voted must be entered on the journal of each house respectively. When the House has adopted *the amendments as made by the Senate*, the clerk of the

House so informs the Senate, and the committee of the House known as the Committee on Enrolled Bills causes the bill to be accurately written in large script on parchment. The Speaker of the House signs this enrolled bill, and informs the Representatives of his official action. Again the clerk of the House carries the now enrolled and partially signed bill to the Senate, and declares to that body that the Speaker of the House has signed the bill. The President of the Senate signs the bill, stating the fact to the Senate. The bill is then returned to the House, where it goes to the Committee on Enrolled Bills, who present it to the President of the United States for his signature. If he approves of the bill, he signs it, and sends his private secretary to the House announcing the fact. The President of the United States takes the bill and in person gives it to the Secretary of State, who causes it to be deposited among the archives of the Department of State, first having an accurate copy or copies made of the bill by the public printer. The bill has at last become a law. If the bill originates in the Senate, the Senate takes the initiative in every step of the history of the bill, and the President, having signed it, reports that fact to the Senate instead of to the House. All that now remains is for the President to see that the law is faithfully executed.

If the President of the United States does not approve of the bill, he returns it to the house in which it originated, with a message setting forth his objections to the bill and his reasons for not signing it. If any bill is not returned by the President within ten days (Sundays excepted) after it has been presented to him, the bill becomes a law without his signature, unless Congress by adjournment prevent its return. If he returns the bill unsigned, he is said to *veto* the bill, but if two-thirds of each house re-pass the bill over the *veto*, it becomes a law without the *President's signature*. Congress then sends the law to the

Department of State, and the President is bound by his oath of office to see that the new law is "faithfully executed."

State legislatures and city councils make their laws mainly in the same manner as Congress. The veto power of the governor of a State and of the mayor of a city is similar to that of the President of the United States, and the action of the State legislature and the city council on a vetoed bill is similar to that of Congress.

In the making of a law all the purposes of our political machinery are made plain. The convention, the campaign, the election, the induction into office, the oath, the division into political parties, the divisions of the powers of government, the exercise of political rights, are merely for the purpose of making a law. It follows, therefore, that the laws of a people are a complete expression of their civil government.

133. Government by Committees.—The government by Congress is government by committees of the two houses. These committees determine the form and much of the character of all our laws. The debates are a discussion of the reports of the various committees. A committee may send for persons and papers; it hears evidence; listens to pleadings from the advocates and the opponents of measures before it; and its report usually decides the fate of the measure. In the business of legislation, both in Congress and in the States, the committees are the principal factor. By possessing the power to appoint the committees, the Speaker of the House becomes, in many respects, the most influential citizen of the Republic.

CHAPTER VIII.

WHAT CONGRESS MAY DO.

134. Powers Granted to Congress.—The powers granted to Congress by the people have always been a matter of dispute between political parties in this country. One party has favored State rather than congressional legislation, limiting Congress to matters which are strictly of general or national concern. Another party has advocated the transfer to Congress of legislation which might be done by the States, thus favoring congressional rather than State legislation. The subjects of congressional legislation are stated in the Constitution.

135. Taxes.—Congress has power to lay and collect taxes, duties, imposts and excises in order to pay the debts of the United States and to provide for the common defence and the general welfare of the country, but all duties, imposts and excises must be uniform throughout the land. The essential weakness of the old Confederation was the inability of Congress to levy taxes for any purpose whatever. The right to tax is a supreme right which carries with it sovereign power. The Constitution allows Congress to tax in several ways: by a direct tax upon the people, just as a State levies a State tax; by an indirect tax upon the people by the levying and collecting of customs or duties on imports; and by excises or taxes upon home manufactures.

The revenue of the United States at present is derived almost entirely from the duties on imports and from the *internal revenue*, the latter arising from the taxation on

banks and on the manufacture and sale of alcoholic liquors and tobacco.

136. Public Credit.—Congress may borrow money on the credit of the United States. If a sudden necessity for money should arise, taxation would bring the required money into the treasury but slowly, and the country might be endangered by delay. To avoid this danger, Congress is empowered to pledge the faith of the people and to borrow money at home or abroad. The national debt is a claim against the United States by those persons who have loaned money to the Government. The credit of the United States is so good that the evidences of this debt, called Government bonds, are worth more than their face and are much sought for as an investment.

137. Commerce.—Congress has the exclusive right to regulate commerce with foreign nations, among the several States and with the Indian tribes. No State can refuse to admit the products of another State or levy duties on them. Trade between the people of the United States must be absolutely free.

138. Naturalization.—An alien or foreigner who becomes a citizen of the United States is a naturalized citizen, and acquires all the rights and privileges of a native-born citizen excepting eligibility to the Presidency. Congress alone has the power to pass laws regulating the naturalization of foreigners. A foreigner may become a citizen of the United States, as follows:

1. He must make application for citizenship by declaring his intention to become a citizen of the United States.

2. He must make oath or affirmation that this is his intention, and that he voluntarily renounces all allegiance to the government of which he had heretofore been a citizen. A person cannot be a citizen of two governments at the same time.

3. He must make application for citizenship at least two *years before he can receive his final naturalization papers.*

4. He must prove before the court that he has resided in this country five years.

5. Any alien of good moral character, of the age of twenty-one years and upward, who has served in the army of the United States and who has been honorably discharged therefrom, may become a citizen on his petition, without any previous declaration of intention, provided that he has resided in the United States for at least one year previous to his application.

The children of American citizens born abroad are American citizens; children of foreigners residing in this country and born here may elect their allegiance.*

139. Bankruptcy.—Congress has power to pass a law by which insolvent debtors may settle their affairs. Three such laws have been passed by Congress: the first in 1800, which was repealed in 1803; the second in 1841, repealed in 1843; and the third in 1867, repealed in 1878. Many of the States have passed bankrupt laws of their own, but a uniform method of settling the affairs of insolvent debtors is preferable to a different method for each State.

140. Money.—Congress alone has the authority to coin money, to regulate its value and the value of foreign coin, to fix the standard of weights and measures, and to provide for the punishment of counterfeiting the coin and the securities of the United States.

* There are more than fifteen million foreigners in the United States, and the number is constantly increasing. This foreign population contains elements of weakness as well as of strength for the nation; in recent years the immigration has been to a large degree of an undesirable class of foreigners, who do not understand, and who are not in sympathy with, the Government of the people of the United States. Many thoughtful persons have concluded that while all industrious, sound-minded and physically healthy people from foreign lands, who are intelligent enough to appreciate the privileges of American citizenship, are welcome to our shores, yet it is about time to discriminate between the moral and the vicious, the sound and the unsound, who in constantly-increasing numbers are seeking homes in this country.

Counterfeiting the coin of the United States is a felony. Congress in 1864 passed a law against counterfeiting the coin and securities of the United States, and fixed the penalty at a maximum fine of five thousand dollars and imprisonment for not more than ten years. The laws against counterfeiting also protect foreign coin and securities.

141. Weights and Measures.—To aid in fixing the value or price of articles of merchandise it is necessary to have a standard of weights and measures. In Guildhall, the ancient city-hall of London, may be seen several brass strips set in the floor. These strips are the standard lengths for England of the foot, the yard, the fathom and the rod. In the same hall may be found standard weights and measures of volumes. In 1827 the United States Government obtained accurate copies of the English standards, and adopted them as the standards for this country. In 1866 the metric system was made permissive by act of Congress, but it is practically limited in its use to scientific men, and has never become popular.

142. The Mails.—The mails represent vast interests, and require direction and control by a single authority. This authority is vested in Congress. Our common expression, "the United States mail," recognizes this authority. Congress authorizes the creation of mail-routes and opens post-roads, a term that a century ago, before the introduction of railroads, signified much more than at present. The post-road has disappeared with the post-boy, and most mail matter is now carried in mail-trains.

143. Science and Art.—Congress appropriates large sums of money to promote the progress of science and to undertake costly enterprises for the benefit of the people. It has equipped numerous exploring expeditions for the purpose of ascertaining the best commercial routes over the ocean ; expeditions to observe transits of the planets and eclipses of the sun ; commissions to study *the methods of increasing and preserving natural foods,*

such as the oyster in our bays and the fish along our coasts and in our lakes and rivers. The fish commission, the life-saving service, the lighthouse service, the inspection of steam- and of sailing-vessels, the enforcement of quarantine regulations, and the organization of commissions to investigate questions of grave public interest, such as the cause and the control of pestilences and epidemics, are illustrations of the measures taken by Congress to promote the progress of science. The principal scientific institution supported by Congress is the Smithsonian Institution.*

To promote the progress of science and useful arts authors and inventors for a limited time have the exclusive right to their writings and discoveries. Congress alone can pass laws for their protection, which are known as the laws of copyright and of patents.

144. Copyrights.—An author may copyright a book, map, engraving, photograph, chart or musical composition, and thereby obtain the exclusive right to print, publish and sell such a production for twenty-eight years, with the privilege of renewing the right for fourteen years longer, or forty-two years in all. Copyrights are secured through the librarian of Congress, Washington, D. C.

145. Patents.—Patents are issued for four classes of inventions—arts, machines, manufactures and compositions of matter. The patent gives the inventor the exclusive right of making and selling his invention for the period of seventeen years, at the expiration of which time the patent may be renewed by any improvement in the

* The Smithsonian Institution at Washington, D. C., was organized by act of Congress in 1846, in accordance with the will of James Smithson, an Englishman who bequeathed half a million dollars to the United States "to be devoted to the increase and diffusion of knowledge among men." The institution is controlled by the Federal Government, and possesses a spacious building with museums, libraries, lecture-rooms and laboratories. It publishes valuable works in various departments of science, and distributes scientific collections all over the world. It takes the lead in scientific work in the United States.

invention. Since 1790 more than three hundred thousand patents have been issued by the Patent Office, and the number now granted yearly is about twenty thousand. Applications for patents are made to the Commissioner of Patents, Washington, D. C.

146. International Copyright.—The authors of England and America, as early as 1819, sought to have Congress and Parliament pass international copyright laws. The writings of an English author were republished in America, and those of an American author were republished in England, without the author's consent and without remuneration to him, unless by the courtesy of the publisher. In 1837, Henry Clay presented a petition from British authors asking for copyright protection. Repeated efforts to procure such legislation were in vain until the passage of the act of Congress of March 4, 1891, which gives to authors, whether native or foreign, the exclusive control of their own works, provided that their books are printed in the United States from type set in this country.

147. Inferior Courts.—Congress, having the power to create courts inferior to the Supreme Court, has constituted the United States Appellate Courts, the United States Circuit Courts, the United States District Courts, the United States Court of Claims, the Court of the District of Columbia, Territorial Courts and Consular Courts.

148. Piracies.—Piracy was more common a century ago than now, because all civilized countries have united to clear the seas of such offenders. Piracy is a crime, and its definition and punishment are determined by the laws of Congress. The chief piracy of modern times is the slave-trade, which still maintains its stealthy and wicked course between Africa and slave countries.

149. War.—Congress alone can declare war against any other power and grant letters of marque and reprisal, *which are commissions granted by Congress authorizing*

seizures on the high seas of property belonging to a public enemy. As the action partakes somewhat of the nature of piracy, letters of this kind are seldom granted by modern civilized nations.

150. The Army and Navy.—Congress has power to raise and support armies, to provide and maintain a navy, and to make rules for the government and regulation of the land and naval forces. No appropriation of money for military and naval purposes can be made for a longer term than two years.

Abuses in government generally arise from the unlawful use of the military power of the State. Our Constitution carefully guards against such danger by placing the creation and the support of the army and navy in the hands of Congress, and by limiting their support to two years. The long experience of England led to this provision in our Constitution. In practice the appropriations for the army and navy are made annually.

151. The Militia.—The male citizens of the States, between the ages of eighteen and forty-five years, are subject to service in the State militia unless exempted by law. The organized militia constitutes the National Guard, which is trained by State officers according to the military system approved by Congress. The geographical position of the United States and its form of government free the country from the burden of a large standing army so common in European countries. Sometimes trained soldiers are needed to assist the civil authorities in suppressing riots. The National Guard is always ready for such service, and constitutes an army of defence quickly called into action. The State militia may be called into the service of the United States, in which case it is subject to the orders of the President and is cared for by Congress like the regular army.

152. The District of Columbia.—Congress has exclusive control of the District of Columbia: the civil govern-

ment of the District is vested by act of Congress of 1878 in three commissioners, two of whom are appointed by the President, with the consent of the Senate, for three years, and the third is an officer of the army belonging to the engineer corps, detailed by the President for this service. The expenses of the District government are equally divided between Congress and the people of the District. Inhabitants of the District of Columbia cannot vote.

153. New States and Territories.—Congress organizes the Public Domain into Territories, makes laws for their government and admits new States into the Union at its discretion. For many years the admission of States was in pairs to preserve in Congress the balance of political power between the free and the slave States. Since the abolition of slavery Congress has generally admitted new States as rapidly as the territorial population permitted, but under the influence of party political feeling the admission of a new State has sometimes been unduly delayed.

154. The Supreme Power of Congress.—Congress is empowered by the Constitution to make all laws necessary for carrying into execution the powers vested by the Constitution in the Government of the United States or in any department or officer of the Government.

The clause of the Constitution granting this supreme power has long been called "the sweeping clause," and is often quoted as authorizing Congress "to do anything and everything." The clause means that Congress may pass any "necessary law" "for the complete and efficient execution" of its powers. Louisiana was bought in 1803, the Mesilla Valley was purchased in 1853, and Alaska in 1867, although the Constitution contains not a word empowering Congress to buy territory.

But in order that Congress may not abuse its powers the Constitution plainly sets forth certain limitations to *its authority* which distinctly declare what Congress may *not do*.

CHAPTER IX.

POWERS DENIED BY THE PEOPLE TO CONGRESS AND TO THE STATES.

155. Rights of the People.—The Constitution provides that the enumeration of certain rights granted to Congress shall not be construed to deny or disparage other rights retained by the people. This means that the people keep to themselves all rights and powers that they have not granted to Congress. State legislatures are limited in the same manner. The long struggle of five centuries and more in England and in this country for the realization of rights has taught men to prize them so highly as not to endanger them by allowing even the representatives elected by the people to exercise certain of them. The Constitution declares that these are “retained by the people.”

156. Personal Liberty.—The privilege of the writ of *habeas corpus* cannot be suspended unless when, in case of rebellion or invasion, the public safety may require it. Congress cannot interfere with the personal liberty of a citizen except as a punishment for crime. Several State constitutions declare that the writ of *habeas corpus* shall never be suspended by the State.* Illegal imprisonment was one of the chief complaints against King John.

157. Bills of Attainder—Ex Post Facto Laws.—Congress cannot pass any bill of attainder or *ex post facto* law. A bill of attainder in English legislation was the extinction of the civil rights of a person who had been executed

* See ¶ 61, p. 32.

for treason or felony, so that his legal heirs could not inherit his estate, but it was forfeited to the Crown.

The Supreme Court of the United States has said that “an *ex post facto* law is one that creates or *aggravates* crime, or increases the punishment, or changes the rules of evidence for the purpose of conviction.” If a person commits a crime, he may be punished according to the law existing at the time of its commission. The penalty for counterfeiting the coin of the United States is a fine not exceeding five thousand dollars and imprisonment for a term not exceeding ten years. If a man is convicted under this law, Congress cannot pass a law changing his punishment, for that would be fixing the penalty after the deed is done, or an *ex post facto* law. A person has the right to know what consequences follow his acts before he commits them.

158. Proportional Taxation.—The census taken every tenth year enumerates the people. If Congress lays a direct tax upon the people, the tax must be proportional to population. A direct tax is a tax on land or a poll tax. A tax of one dollar a head on every citizen of the United States would be a direct proportional tax, but a land-tax of one dollar an acre on every acre of land in the United States, while it would be a direct tax, would not be a proportional tax, because land has not the same value all over the country. A tax of one dollar an acre in South Carolina or Texas would be a higher tax than a tax of one dollar an acre in New York or Pennsylvania, where land is of greater value per acre than in the two Southern States mentioned. Congress has frequently levied direct taxes.

159. Internal Trade Free.—Congress cannot levy a duty or excise upon the internal trade and commerce of the country. To a citizen of the United States all internal *trade* must be free. States cannot collect customs.

160. Impartial Laws of Commerce.—Congress can

pass no law that gives a preference to the ports of one State over those of another. Vessels to or from one State cannot be obliged to enter, clear or pay duties in another State.

161. Paying Out the People's Money.—The annual expenditure of money by Congress for the expenses of the United States Government amounts to many millions of dollars. (*See note page 140.*) Before any of this money can be paid out Congress must pass an act expressly authorizing the expenditure. Extreme care is necessary in public financing lest public money be lost or wasted. Congress has no right to squander the people's money. An appropriation bill is made with great attention to detail, for the treasurer of the United States pays out money exactly as provided in the appropriations made by Congress.

162. Titles of Nobility—Gifts.—Republican simplicity and equality are characteristic of our entire Government. Both Congress and the States are forbidden to grant any title of nobility either to a citizen of the United States or to a citizen of any other country. We believe that all men are created free and equal, and the citizen of the United States enjoys the highest nobility in possessing this freedom and equality. Nor can any person holding an office of trust or profit under the United States accept any gift or title or emolument of any kind whatever from any king, prince or foreign state without the consent of Congress. An Eastern prince once presented to President Van Buren some beautiful jewels, but he could not receive them, and they still lie in the treasury of the United States.

163. Freedom of the People.—Congress is forbidden to make any law—

1. Respecting the establishment of religion or prohibiting its free exercise ;
2. Abridging the freedom of speech ;
3. *Abridging the freedom of the press ;*

4. Abridging the right of the people peacefully to assemble ;

5. Abridging the right of petition.

Every person in this country may worship God according to the dictates of his own conscience, being responsible for the consequences of his actions and beliefs if they affect the peace of society. Any person may freely speak, write and publish his sentiments on any subject, being responsible for the abuse of such right ; the abuse is called a libel.

In 1875 the United States Supreme Court decided that "the right of the people peaceably to assemble for the purpose of petitioning Congress, or for anything else connected with the powers and duties of the national Government, is an attribute of national citizenship, and as such is under the protection of, and guaranteed by, the United States." Old English law forbade "tumultuous petitioning," but Congress is forbidden to pass any law which will hinder the people from freely assembling. Arbitrary governments, like the absolute Russian monarchy, forbid the people to hold political meetings.

164. Right to Bear Arms.—The carrying of concealed weapons is forbidden by law, but Congress cannot pass laws forbidding the people to keep and bear arms. This restriction refers primarily to the right of the people to constitute a militia for the defence of their rights. Our regular army is very small ; the defence of our rights is secured by the retained military right of the people. Congress can declare war and call out the militia for the public defence, but it cannot take the right to self-protection away from the people.

165. Householders' Rights.—Congress prescribes the rules and regulations of the army or empowers military officers to do so ; but "the citizen's house is his castle," and in time of peace soldiers cannot be quartered in any house without the owner's consent, nor in any time of war

save in the manner prescribed by law. Congress must respect the home-rights of every citizen.

166. Personal Security.—The personal security of citizens is protected by the laws of Congress. No law can be passed by any legislative body in this country impairing that security by permitting unreasonable searches and seizures or arrests without warrant. This common-law right of the citizen is very ancient, and has grown and strengthened with the growth and strength of political rights in this country and in England. Every citizen has the right to demand the authority by which any official act is done.

167. Private Property.—Private property cannot be taken for public uses without just compensation. Sometimes private property is needed for the public welfare; in such a case, if the owner is unwilling to sell his property, commissioners or appraisers are appointed, whose duty it is to estimate the "just compensation" for the property, and the owner is compelled to accept the amount found by the commissioners. This right of Government is known as the "right of eminent domain," and may be exercised by the United States, by the State, the county, the city, and by corporations to which the right has been granted by the State.*

168. Trial by Jury.—Congress can pass no law impairing the right of the citizen to an impartial jury trial which shall be speedy and public. All the rights confirmed to the people by the common law, such as the right of a person to be informed of the accusations against him, the right to self-defence or by counsel, and the right to summon witnesses, can be protected, but not impaired, by Congress or by any other legislative body. In suits at common law where the value in controversy exceeds twenty dollars the right of trial by jury is preserved, but cases in which

* See ¶ 33, p. 20.

the value in dispute is not over one hundred dollars are usually tried before a justice of the peace without a jury.

169. Fines and Punishments.—Neither Congress nor the State can pass any law requiring excessive bail, imposing excessive fines or inflicting cruel and unusual punishments. This right of the people to humane laws is of highest importance. The object of law is to reform the criminal as well as to punish him. Inhuman laws always fail to reform criminals or to deter them from the commission of crime. It is a principle of criminal law that the certainty rather than the degree of the punishment is the best preventive of crime.

170. The Franchise.—Slavery was abolished in the United States by the Thirteenth Amendment, declared in force December 18, 1865. By the Fifteenth Amendment the right of the citizen to vote cannot be denied or abridged by the United States or any State on account of race, color or previous condition of servitude. This amendment was declared in force March 30, 1870. The right to vote comes from the State, not from the United States.

171. Republican Form of State Government.—Congress guarantees to each State a republican form of government and protection against invasion. If the legislature of the State, or the governor when the legislature cannot be convened, applies to the Government of the United States for protection against domestic violence, as in the case of a riot, such as occurred in Pittsburgh, Pennsylvania, in 1877, the United States Government must comply with the request.

172. Obligation of Contracts.—No State can pass any law impairing the obligation of contracts. The law of the obligation of contracts covers nearly all the civil cases before the American courts, and the principle is of the widest application in our institutions. The protection of *all our rights*, industrial, political, social and moral, is im-

plied in the obligation of contracts. A contract is an agreement between two or more parties, qualified to contract, to do or not to do a particular thing. If two or more persons of the age of twenty-one or more, of sound mind, and without restraint or compulsion, actually contract to do or not to do a certain thing, they are bound by **the contract**, and the laws of the United States will compel them to perform **their legal contracts** or suffer the consequences of non-performance.

173. Powers Denied the States.—No State can enter into any treaty, alliance or confederation; grant letters of marque or reprisal; coin money; issue bills of credit;* make anything but gold or silver coin a tender in payment of debts; pass any bill of attainder, *ex post facto* law, or grant any title of nobility.

The limitations on the States illustrate the supremacy of the United States over the States.

174. State Powers if Congress Consent.—No State, without the consent of Congress, can lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and imposts laid by any State on imports or exports shall be for the use of the treasury of the United States; and all such laws are subject to the revision and control of Congress.

No State, without the consent of Congress, can lay any duty on tonnage, keep troops or ships of war in time of peace, enter into any agreement or compact with another State or with any foreign power, or engage in war unless actually invaded or in such imminent danger as will not admit of delay.

These restrictions on the States mean that Congress

* By "bills of credit" is meant paper money, or promises to pay, issued by a State in such a way as to be used as a substitute for money. The phrase is not intended to prevent a State from borrowing money *and giving its bonds for the obligation.*

alone can regulate the commercial interests of the people of the United States, maintain an army and navy, make treaties or alliances with foreign States or declare war. There cannot be two sovereign powers exercising these rights in the United States.

175. The Relation of the Federal Government to the State Governments.—“ The Government proceeds directly from the people. When thus adopted by them the Constitution was of complete obligation and bound the State sovereignties. The Government of the Union is emphatically and truly a government of the people. The Government of the Union, though limited in its powers, is supreme within the sphere of its action. Its laws, when made in pursuance of the Constitution, form the supreme law of the land. . . . The Government of the Union and those of the States are each sovereign with respect to the objects committed to it, and neither sovereign with respect to the objects committed to the other.”*

* Chief-Justice Marshall.

CHAPTER X.

THE PRESIDENT OF THE UNITED STATES.

176. The President of the United States represents the unity, the power and the purpose of the nation. He is the executive officer of the Federal Government. His office is the highest in the power of the people to bestow.

177. Qualifications.—No person except a natural-born citizen is eligible to the Presidency. He must be thirty-five years of age and a resident within the United States fourteen years. He is elected to serve for four years.

A person of foreign birth might be subject to foreign influences. Tenure of office for life or for a very long term would tend to a monarchy.

178. His Election.—The President is chosen by the Electoral College, which is composed of Presidential electors elected in the several States. Each State has as many Presidential electors as it has Senators and Representatives in Congress, and each elector has one vote. No Senator or Representative or person holding an office of trust or profit under the United States can serve as a Presidential elector. The purpose of this restriction is to provide an Electoral College free from Federal influence. Each political party in the State nominates its own Presidential electors, who are morally bound, if elected, to vote for the Presidential candidate of the party. The people elect the Presidential electors on the Tuesday next after the first Monday of November in the year of the Presidential election. The first Presidential election was in 1789. Soon after election day it is known what electoral ticket, and consequently *what Presidential candidate*, has been elected.

179. The Electoral College.—But the choice of a President is not made until three more steps have been taken. On the second Monday in January the Presidential electors meet in their respective States, usually at the capital of the State, and vote by ballot for President and Vice-President, one of whom at least cannot be an inhabitant of the same State with themselves. When the vote has been counted three lists are made of all the persons voted for as President and Vice-President, and the number of votes which each received. These three lists are certified to and signed by all the electors and sealed. One list is deposited with the United States district court judge of the district in which the electors meet. The other two lists are sent to the president of the Senate at Washington, one by mail and one by special messenger.* The sealed vote of the Electoral College of each State is called “the return.” As soon as the Electoral College has sent in the return its duty is done and it ceases to exist. The college is simply the registering-machine of the popular vote.

180. Counting the Votes.—On the second Wednesday in February the sealed votes received by the president of the Senate are opened by him in the presence of the two houses of Congress, and the votes are counted. The person who has a majority of all the votes cast for President is declared to be duly elected President of the United States, and the person who has a majority of all the votes cast for Vice-President is declared to be duly elected Vice-President of the United States.

181. Election by the House.—If no person has a majority of the votes for President, then from the three highest on the list of those voted for as President the House of Representatives proceeds immediately, by bal-

* If the two lists from the Electoral College of each State fail to reach the president of the Senate by the fourth Monday in January following the election, he may send for the list deposited with the dis-
dge.

lot, to choose a President. In an election by the House the voting is by States, a majority of the Representatives from each State constituting the one vote of the State. A quorum for this purpose consists of a member or members from two-thirds of the States, and a majority of all the States is necessary to a choice. If the House of Representatives fail to choose a President, whenever the right of choice devolves upon it, before the fourth day of March next following, then the Vice-President acts as President, as in the case of the death or other constitutional disability of the President. Thomas Jefferson (1801) and John Quincy Adams (1825) were elected by the House of Representatives.

182. The Vice-President.—As the Vice-President may become President, his qualifications are the same as those of the President. Should the Electoral College fail to elect a Vice-President, the choice of the Vice-President devolves upon the Senate, in which case the Senate must have a quorum of two-thirds of the whole number of Senators, and a majority of the whole number is necessary to a choice.*

183. A Minority President.—The Presidential electors from any one State are not obliged to vote as a unit; each elector represents the party that chooses him. The State of New York has thirty-six electors. They may represent several parties: there may be electors representing the Republican party, the Democratic party, the Prohibition

* As the President represents the nation, and is chosen indirectly by the people, it is a wise provision of the Constitution that in case the Electoral College fail to choose a President the choice of a President should be made by that branch of the national legislature which more closely represents the people—namely, the House of Representatives. The choice of the Vice-President is wisely left, in case the Electoral College fail to choose that officer, to the Senate of the United States, over which body the Vice-President is to preside. As the Vice-President succeeds to the Presidency only by accident, it is just that the Senate should be permitted to select its own presiding officer.

party, the Labor party or any other party. Other States may be similarly divided. The Electoral College thus may have Democratic electors, Republican electors, Labor-party electors and Prohibition electors. Electors of the same party in the different States vote for the same candidates. The greater the number of candidates, the greater the risk that the Electoral College will fail to choose a President.*

The majority in the Electoral College has failed so often to represent the majority of the popular vote that many attempts have been made to amend the Constitution and change the method of electing the President; but as yet no device has been found better than the cumbersome Electoral College. The idea of such a college grew out of the distrust of the people at the time of the making of the Constitution. It was then thought that electors chosen by the people would be less likely to err in selecting a fit person for President. But the practice of political parties has reduced the Electoral College to a mere registering-machine, and every Presidential elector votes for the candidate nominated by the national convention of his party.

184. The Presidential Succession.—In case of the removal of the President from office, or of his death, res-

* In 1861, the Electoral College stood as follows: for—

Lincoln,	180,	representing	17 States	and	1,866,352	popular votes.
Breckinridge,	72,	"	11	"	845,763	"
Douglas,	12,	"	2	"	1,375,157	"
Bell,	39,	"	3	"	589,581	"

Thus, although Abraham Lincoln received 180 electoral votes, he did not receive a majority of the popular vote: he received more electoral votes than his three opponents together; and they together received more popular votes than he. A president who fails to receive the majority of the popular votes is called a minority President.

The minority Presidents have been J. Q. Adams, 1825; James K. Polk, 1845; Zachary Taylor, 1849; James Buchanan, 1857; Abraham Lincoln, 1861; R. B. Hayes, 1877; James A. Garfield, 1881; Grover Cleveland, 1885; Benjamin Harrison, 1889.

ignation, or inability to discharge the powers and duties of his office, the office devolves upon the Vice-President. Four times in our history the Vice-President has succeeded to the Presidency :

John Tyler upon the death of President Harrison in 1841; Millard Fillmore upon the death of President Taylor in 1850; Andrew Johnson upon the assassination of President Lincoln in 1865; Chester A. Arthur upon the assassination of President Garfield in 1881.

At the time of President Garfield's death and the succession of Vice-President Arthur to the Presidency, Congress was not in session. No president of the Senate *pro tempore* had been chosen before the adjournment of Congress, and consequently, had President Arthur died or become incapable of exercising the powers and duties of his office, there would have been no one to succeed him and the country would have been without a President. Congress soon assembled, a president of the Senate was chosen, and, later, a law was passed prescribing the succession to the Presidency should an occasion ever arise demanding it. In case of the death of both President and Vice-President, or of the removal, resignation or inability of both of them, the Secretary of State acts as President; in case of the removal, death, or resignation or inability of the Secretary of State, the Secretary of the Treasury acts as President, and, in their order, the office passes to the Secretary of War, the Attorney-General, the Postmaster-General, the Secretary of the Navy, the Secretary of the Interior, and the Secretary of Agriculture. This law was passed in January, 1886, and will have the effect, if ever practically carried out, of continuing in power the political party that chose the last President duly elected, by placing the executive powers of the Government in the hands of the men whom the President had chosen to assist him in the administration of affairs.

185. *Inauguration Day*.—On the 4th of March of each

fourth year the President and Vice-President elect are formally invested with their respective offices. The essential part of the inauguration is the oath of office, which is administered to the President elect by the chief-justice of the United States before a vast concourse of citizens. The oath is as follows: "I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will, to the best of my ability, preserve, protect and defend the Constitution of the United States." The Vice-President takes the oath a few moments before in the presence of the Senate of the United States. Usually there is a display of military and other organizations from various parts of the country. The new President pronounces his inaugural address from the eastern steps of the Capitol. This address outlines the new President's policy or his ideas of the administration of the Government.

186. The White House.—After the inauguration the President is driven to his official residence, the executive mansion, popularly known as the White House. Here he receives deputations of citizens, foreign ambassadors, members of Congress and of other departments of the Government.

187. The President's Salary.—Until 1873 the annual salary of the President was \$25,000, but it was thought at that time that this amount was not sufficient to meet the demands made upon the President during his official life. It was increased to \$50,000, but this sum is small when compared with the amount paid to the rulers of other civilized lands. This salary cannot be increased nor diminished during the period for which the President is elected, and he cannot receive, while President, any emolument from the United States or from a State. A custom has long prevailed that the President cannot receive any gift from any civil body, such as a city council or a legislature, or a *foreign state*. The Vice-President receives \$8000 annually,

and, as in the case of the President, he draws his salary in monthly instalments from the United States treasury.

188. The President Accessible.—Although the President is the ruler of a mighty nation and is burdened with responsibility and official duties, he is easily reached by the humblest citizen. Unlike the rulers of foreign lands, who are hedged about by ranks of officials both civil and military, our chief magistrate frequently meets the people at public or at private receptions. The death of two of our Presidents by assassination has led many to believe that the President of the United States should be protected by a guard. The President is constantly sought by persons soliciting appointment to office. In order to relieve the President from the crowd of officeseekers, and also to secure competent public servants in the lower grades of administrative offices, the greater number of Government employes in clerical positions are appointed by the heads of the executive departments, with the approval of the President.

189. Duties of the President.—All the duties of the President are summed in the language of the Constitution: "He shall take care that the laws be faithfully executed."

190. Powers of the President.—The President is commander-in-chief of the army and navy of the United States, and of the militia of the several States when it is called into the national service. He is not obliged to take command of the national forces in person, but may place them under command of such officers as he may choose.

He has power to grant reprieves and pardons, as well before trial and conviction as afterward, for offences against the United States, except in cases of impeachment. The exception of impeachment cases is taken from the custom in England, where the king's pardon cannot be pleaded in case of impeachment before the House of Commons.

He has power, by and with the consent of the Senate,

to make treaties with foreign states, provided two-thirds of the Senators present concur.

He nominates, and by and with the consent of the Senate he appoints, ambassadors, other public ministers, consuls, judges of the Supreme Court, and all other officers of the United States whose appointment is not otherwise provided for by law.

He has power to fill all vacancies in Government offices that may happen during the recess of the Senate by granting commissions which shall expire at the end of the next session. In 1831, President Jackson during a recess of the Senate appointed Martin Van Buren minister to England, but the Senate refused to confirm the appointment, and Mr. Van Buren, who had already gone to the court of St. James, was compelled to return.

He has power on extraordinary occasions to convene both houses of Congress or either of them, and, in case of disagreement between them with respect to the time of adjournment, he may adjourn them to such time as he thinks proper, but not for a longer time than the day fixed for the assembling of the next session of Congress.

He appoints the members of his own Cabinet, who compose the heads of the executive departments, and he may require of them at any time an opinion in writing upon any subject relating to the duties of their respective offices.

He receives ambassadors from foreign powers and other public ministers, and commissions all the officers of the United States.

191. Removal from Office.—The President, the Vice-President and all civil officers of the United States are subject to removal from office on impeachment for and conviction of treason, bribery or other high crimes and misdemeanors.

192. The President's Message.—In his annual message, when Congress assembles, the President gives to that body "*information of the state of the Union.*" In this

message he reviews the history of the year, comments upon events, makes suggestions concerning legislation, and expresses his opinions on such subjects as he thinks proper. At any time he may send to Congress a special message directing attention to matters requiring immediate consideration.

193. The President as Law-maker.—The President is an essential part of the law-making power under the Constitution, and signs or vetoes all bills and resolutions passed by Congress, except a resolution to adjourn.

194. The President as Politician.—He is elected by a political party for the purpose of carrying out party principles of government. His term of office is known politically as an administration. He is the head or leader of his party, and usually makes all official appointments out of his own party. The number of appointments he can make is about one hundred and fifteen thousand; sometimes these men use their personal and official influence to re-elect the President who appointed them to office, but the spirit of our institutions is against such action.

195. Rules of the Executive Mansion.—The Cabinet meets on Tuesdays and Fridays. Mondays are reserved by the President for the transaction of public business requiring his uninterrupted attention. Senators and Representatives in Congress have access to the President on all days, except when he holds a Cabinet meeting. Other persons are received by him at designated hours, except on Mondays and Cabinet days. Those having no business, but who desire simply to pay respect to the President, are received by him in the East Room at a designated hour on Mondays, Wednesdays and Saturdays.

196. The President as the Head of the Nation.—The President is the only Federal officer who is directly responsible to the nation for the administration of the Government. He is President of the whole country, and

should be above the biassed prejudices of the mere political partisan. He is the nation's man, and not a party man. If he fails to rise to the lofty plane of national duty, he sinks into the obscurity of the mere candidate for office and the distributor of the spoils of office. The burden of his responsibility is too heavy to be borne long, and Washington set the example of retiring from the Presidency at the close of a second term. It has often been said that responsibility makes men serious; the responsibilities incident to the office of President of the United States have called into exercise noble qualities from all our Presidents. From the excitement of the campaign to the cares of the White House is a transformation likely to change the leader of a party into the head of the nation.*

* For Table of Presidents of the United States, see p. 212.

CHAPTER XI.

THE EXECUTIVE DEPARTMENTS.

197. The Executive Departments.—The executive business of the Federal Government is committed to eight departments, each of which has for its chief officer a Cabinet minister appointed by the President by and with the consent of the Senate. The departments, in the order of their creation by act of Congress, are—

The Department of State, July 27, 1789;

The Department of War, August 7, 1789;

The Treasury Department, September 2, 1789;

The Post-Office Department, May 8, 1794;

The Department of the Navy, outlined by the act of April 30, 1789, but not established until May 21, 1798;

The Department of the Interior, March 3, 1849;

The Department of Justice, originally provided for September 24, 1789, in charge of the Attorney-General and created under the present organization June 2, 1870;

The Department of Agriculture, February 12, 1889.

Each member of the Cabinet is in political accord with the President and receives an annual salary of \$8000. He holds his appointment at the will of the President, and is directly responsible to him for the management of the department of which he is the principal officer. The President is responsible to the people of the United States for the conduct of business in all the departments.*

* The Cabinet meets at the executive mansion at the direction of the President, who presides over its consultations and directs them. *Proceedings are not recorded, and it has no legal authority as a body.*

198. The Department of State.—Of the executive departments created by Congress, the Department of State, which outranks the others, was the first in operation. It is presided over by the Secretary of State. He is the single officer in our Federal Government who is empowered to communicate with other Governments in the name of the President of the United States. He corresponds with the official representatives of the United States in foreign countries and issues instructions for their guidance. He has charge of treaties and negotiates new ones; he keeps the archives of the United States and publishes its laws, or causes them to be published, together with treaties, Presidential messages, proclamations, resolutions, etc. He keeps the great seal of the United States and affixes it to official papers. He issues and records all passports, and he reports to Congress at stated times the relations between foreign countries and the United States. He has three assistants, known as the First, Second, and Third Assistant Secretary of State.*

199. The Diplomatic and Consular Service.—The foreign relations of the United States and of its people are entrusted to two sets of officials—one, the American ministers abroad, who represent our Government in a political capacity; the other, the American consuls abroad, who represent commercial interests, and chiefly the interests of

As its action is merely advisory, the President is not bound by the judgment of the Cabinet, and its members as heads of executive departments may disregard the advice of the Cabinet and assume the responsibility of individual action.

* The list of Secretaries of State begins with Thomas Jefferson, appointed by President Washington September 26, 1789, and contains some of the most distinguished names in our civil history. Jefferson, Madison, Monroe, J. Q. Adams, Van Buren and Buchanan served each as Secretary of State before election to the Presidency, and John Marshall, the great chief-justice, Henry Clay, Daniel Webster, John C. Calhoun, Edward Everett, Jeremiah S. Black and William H. Seward were once at the head of this department.

Americans as individuals. The duties of the diplomatic and of the consular services are never confused. The American minister cannot represent or engage in commercial interests; the consul cannot represent or engage in political affairs. Our diplomatic agents are of four grades:

1. Ambassadors;
2. Envoys extraordinary and ministers plenipotentiary;
3. Ministers resident. These three grades of the diplomatic service are accredited by the President to the head of Government of the countries to which they are sent.
4. *Chargés d'affaires* commissioned by the President, but accredited by the Secretary of State to the minister of foreign affairs of the Government to which they are sent. In some cases a *chargé d'affaires* is entrusted with the representation until the duly-accredited minister has assumed his official duties.

The duty of diplomatic agents is to carry out the instructions which come to them from the President through the Secretary of State. They aid in carrying out the President's foreign policy by negotiating such treaties and international agreements, and securing such international relations, as in the judgment of the President seem conducive to the welfare of the United States. By the law of nations foreign ministers enjoy many rights and privileges peculiar to the dignity of their office. They are assisted by secretaries of legation and interpreters.

Our commercial relations with the people in foreign lands are entrusted to the American consuls, each of whom resides in the principal city of a consular district into which foreign countries are divided. The officers of the consular service are more numerous than those of the diplomatic service. The duties of consuls are various. The Department of State cannot attend to the private business of American citizens, but the individual citizen *may employ the American consul to transact any private*

business he may have abroad. The consul may administer oaths, take testimony, administer on the estates of Americans dying abroad and send home the proceeds of their estates to be distributed to the legal heirs. Our consuls also secure valuable information relating to commerce, manufactures and agriculture, which they convey to our Government, by which it is given to the American people. In Japan, Turkey and China any American citizen charged with crime is tried by the American consul. To the consuls are entrusted the interests of American seamen and American shipping. The consul keeps a register of all American ships entering his port, the tonnage of each ship, the nature and the value of each cargo, the number and the condition of the seamen. To the consul the seaman may apply for the protection of his legal rights, and the destitute mariner is entitled to receive relief from the consul at the expense of the Government of the United States. But only seamen are entitled to such aid: they may be sent home or cared for in a foreign land until able to help themselves. The chief duty of a consul is to see that the commercial laws of the United States are enforced. These laws or agreements are negotiated by the diplomatic agents of the United States.

200. The Treasury Department.—The Treasury Department was organized by Alexander Hamilton, and has grown into a department difficult to understand on account of its complex interests. The Secretary of the Treasury must be a man who is not directly interested in trade or commerce. President Grant nominated the merchant prince A. T. Stewart for this Cabinet position, but the Senate refused to confirm him and refused to change the law that disqualified him from holding the office. The secretary is required to suggest plans for creating revenue and maintaining the credit of the United States; to determine the manner in which the financial business of the *Government* shall be conducted; to acquaint Congress,

When called upon, with any information obtainable in his department; to superintend the collection of the revenue; and to give warrants or orders for all moneys paid from the Treasury in accordance with the appropriations made by Congress. The chief business of the Treasury Department since 1861 has been the management of the national debt.

England has a national debt about five times as great as ours, and employs the Bank of England to manage it; but in our own country the Secretary of the Treasury has his important responsibility. He has the superintendence of the coinage of money, of the national banks, of the customs and the custom-houses, of the lighthouse system, of the coast survey, of the inspection of steam vessels, of marine hospitals and of the life-saving service.* He is aided by two assistant secretaries and numerous clerks.

The millions of money belonging to the people of the United States are entrusted to the treasurer of the United States, and are kept in strong vaults made for the purpose.†

* **The Life-Saving Service** is composed of a general superintendent, assistant general superintendent, inspectors, district superintendents, a board on life-saving appliances and the keepers and crews of stations. The service is designed to assist vessels and seamen in danger of being wrecked. There are 244 stations in commission—182 on the Atlantic coast, 12 on the Pacific, 49 on the lakes, and 1 at the Falls of the Ohio River, Louisville, Ky. Since the organization of the service, in 1871, to June 30, 1893, disasters have occurred to 7031 vessels, within the scope of its operations, having on board 56,818 persons, of which number 56,162 were saved, and only 656 lost; and of more than \$112,000,000 of shipping property, including cargoes, involved, nearly eighty per cent. was saved. This is one of the most useful branches of work undertaken by the Government, and is worthy of more aid and encouragement from Congress than it has hitherto received.

† The business of the Treasury Department is audited by six auditors. The first auditor has charge of all accounts in the civil service, the public debt, the expenses of Federal courts, and the custom-houses. The second auditor examines the army accounts (with some exceptions)

201. The War Department.—The Secretary of War, under the direction of the President, has charge of the

and settles all accounts with the Indians. The third auditor settles all accounts of the engineer corps, pensions, war claims, etc. The fourth auditor examines all accounts of the navy. The fifth auditor is in charge of the accounts with the internal revenue, State Department, diplomatic service, and the census. The sixth auditor examines the accounts of the postal service.

The auditors' accounts are re-examined by the comptroller of the Treasury, and the commissioner of customs revises all accounts of the revenue and of the marine service.

The register of the Treasury has control of the account-books of the United States. These books show the exact financial condition of the Government at any time. His name may be seen upon bonds and United States notes.

The comptroller of the Treasury is in charge of the national banking system. The office was created in 1863.

The director of the mint has charge of all mints and assays, and reports to Congress from time to time concerning the yield of the precious metals, etc.

The commissioner of internal revenue supervises the collection of all duties and taxes levied by Congress. The States and Territories are divided into eighty-two internal revenue districts.

The solicitor of the Treasury has charge of all prosecutions by the Government for the infringement of revenue laws, for counterfeiting and other crimes committed against the financial interests of the country.

The chief of the bureau of statistics reports yearly on the trade and commerce of the country, and, when directed by Congress, examines and reports on the industrial problems in which the nation is interested.

The superintendent of the coast and geodetic survey has charge of the survey of the coasts and rivers of the United States, and publishes charts, tide-tables and sailing directions.

The remaining officers are the supervising surgeon-general, the supervising architect of the department, the supervising inspector of steam-vessels, and the chief of the bureau of engraving and printing. The latter officer has charge of the making of all bonds, Treasury notes, national bank-notes, revenue stamps, etc. By means of this division of labor the vast interests of the Treasury Department are properly *cared for*, and if a single error, however trifling, is made by a clerk, it

military affairs of the country, the keeping of the army records, and the expenditure of all money appropriated by Congress for the improvement of navigation and the survey of harbors. The duties of the department are divided among ten bureaus:

The adjutant-general issues the President's orders, conducts the correspondence of the army, issues commissions and keeps the exact record of the army.

The remaining bureaus are those of the inspector-general, the quartermaster-general, the paymaster-general, the commissary-general, the surgeon-general, the chief signal officer, the chief of engineers, the chief of ordnance and the judge advocate-general. The latter officer reviews the findings of courts-martial and is the legal adviser of the Secretary of War.*

202. The Navy Department.—The Secretary of the Navy executes the orders of the President relative to his department. The duties of the department are divided among eight bureaus: A bureau of yards and docks, of equipment and recruiting, of navigation, of ordnance, of construction and repair, of steam-engineering, of provisions and clothing, and of medicine and surgery.

This department also issues nautical charts and sailing directions for the use of navigators, and publishes nautical books of great value which are sold at cost to any one. The naval observatory at Washington is under the care of this department. The nautical almanac is published three years in advance.†

is soon detected by means of the numerous checks and safeguards constantly employed.

Among the eminent men who have held the office of Secretary of the Treasury are Hamilton, Gallatin, Taney (afterward chief-justice of the United States), Chase (also chief-justice), McCulloch and Sherman.

* Among the distinguished men who have held the office of Secretary of War are Edwin M. Stanton, General Grant and General Sherman.

† Among the distinguished men who have served as Secretary of the Navy are *George Bancroft* and *Gideon Welles*.

203. The Department of the Interior.—This department was originally called the Home Department, a name significant of the nature of the interests committed to it. If information is wanted concerning immigration, public lands, the Government survey, mines and mining, schools and colleges, the census, patents, pensions, trademarks, the Indians or the scientific investigations of the Government, the Interior Department will supply it. If pestilence and disease prevail in any part of the country, the Interior Department will advise as to the best method to be pursued to overcome them. The subordinate officers of the Interior Department are—

The Commissioner of Public Lands.

The Commissioner of Indian Affairs.

The Commissioner of Pensions.*

The Commissioner of Patents.

The Commissioner of Education.†

The Inter-State Commerce Commissioners.‡

The Superintendent of Public Documents.

The Superintendent of the Census.

* **Pensions.**—Liberal pension laws in the United States since the Revolution have provided for the comfort of soldiers and sailors who have become disabled in actual military service, and in case of death for the support of their families.

† **The Bureau of Education,** organized in 1867, is attached to the Department of the Interior, and is under the direction of the commissioner of education. It collects statistics and facts showing the condition and progress of education in the several States and Territories, and diffuses information respecting the organization and management of schools, school systems and methods of teaching. Its reports and circulars of information are of great value to those interested in educational affairs.

‡ **The Inter-State Commerce Commission.**—On the 4th of February, 1887, Congress passed the "Act to Regulate Commerce," under which the Inter-State Commerce Commission was created. The commission consists of five commissioners, appointed by the President, with the advice and consent of the Senate. It is the duty of the com-

A superintendent of the census is appointed for each census, and holds his office only until the completion of the census for which he was appointed.

204. The Post-Office Department.—President Jackson first admitted the chief clerk of the Post-Office Department to a seat in the Cabinet. The secretary, called the Postmaster-General, has charge of the postal interests of the nation. He awards all postal contracts, directs routes for mails, negotiates postal treaties with the consent of the President and commissions and appoints all postmasters whose salaries are not more than \$1000 a year. Postmasters who receive more than this amount are appointed by the President with the advice and consent of the Senate. The secretary controls the styles of postage-stamps and of envelopes made by the Government, and prescribes the rules and regulations of the postal business of the country. The subordinate officers of the department are—three assistant postmasters-general, an assistant attorney-general, a superintendent of the money-order department, a superintendent of foreign mails, a chief clerk, a law clerk and a topographer. The business of the Post-Office Department is enormous, extends over the entire country and is carried on with regularity and safety. Before 1845 it cost from six to twenty-five cents to send a letter containing a single sheet; the act of 1845 made the rates five or

mission to investigate any matter or question of fact pertaining to the business of any common carrier or carriers in the United States, engaged in the transportation of passengers or property wholly by railroad, or partly by railroad and partly by water, from one State or Territory of the United States to any other State or Territory of the United States, or from any place in the United States to an adjacent foreign country, or through a foreign country to any other place in the United States. The act does not apply to the transportation of persons or property "wholly within the State." The object of the act is to provide Congress with accurate information by which it may enact laws "to regulate commerce," so that unjust discrimination in freights and passenger rates among railroads may be prevented.

ten cents according to distance. Stamps of these denominations were first issued in 1847. Four years later postage on home letters was reduced to three cents, and in 1883 it was reduced to two cents. The Post-Office Department provides facilities for the transmission of money by postal notes and orders. It classifies mail matter and fixes the rates of postage according to the classification.*

205. The Department of Justice.—Although Congress created the office of attorney-general of the United States in 1789, the Department of Justice was not created until 1870. The United States Attorney-General is the chief law officer of the Government, and represents the United States in all suits at law to which the United States is a party. He has the aid of the solicitor-general, two assistant attorneys-general, an assistant attorney-general for the Interior Department, one for the Post-Office Department, a solicitor of the Treasury, a solicitor of the Internal Revenue and an examiner of claims. The men who have at different times held this office of Attorney-General are among the most distinguished lawyers that the country has seen.†

206. The Department of Agriculture.—Until 1889 the interests now entrusted to the Department of Agriculture formed a portion of the interests of the Department of the Interior. The wealth of the people of the United States is chiefly agricultural. The farmer whose crops are

* **The Postal Union.**—For the prompt transmission of mail matter between different countries, most of the nations have united in forming a postal union. It was organized at Berne, Switzerland, in 1874. Letters are carried from one country to another connected with the union at the uniform rate of five cents for each half ounce in weight, no matter what distance apart the countries may be.

† Among them are Theophilus Parsons, William Pinckney, William Wirt, Roger B. Taney (afterward chief-justice), Nathan Clifford (afterward justice of the United States Supreme Court), Reverdy Johnson, Caleb Cushing, John Y. Mason, Edwin M. Stanton, William M. Evarts and Edwards Pierrepont.

injured by destructive insects may apply to the Department of Agriculture and learn how to save his grain and his fruit. He may there ascertain the cause and the cure of the diseases that afflict his cattle and his horses, and obtain information about soil, climate, fertilizers, seeds and methods of cultivation. In 1891 the Weather Bureau, previously under the control of the War Department, was transferred to the Department of Agriculture.*

The executive departments are united in the President of the United States, who has the supreme control of them, and who is directly responsible to the people for his administration of public affairs.

* The Weather Bureau was established by an act of Congress in February, 1870, authorizing the Secretary of War to establish and equip stations in different parts of the country, where such simultaneous observations on the meteorological conditions of the atmosphere could be taken as would enable the department to give to all important ports on the Atlantic coast and Great Lakes timely notice of the approach of dangerous storms, and to collect such information as would be of value to shipping and other interests. The system has grown until there are now nearly five hundred stations in different parts of the country, having trained and intelligent observers of the weather, whose observations are telegraphed to the central office at Washington three times each day, and the bureau is thus enabled to foretell the probable character of the weather for the next twenty-four hours.

CHAPTER XII.

THE COURTS OF JUSTICE.

207. Determination of Rights.—The industrial, political, social and moral rights of a person may be questioned or endangered by another: to determine these rights courts of justice administer the laws of the States and of the United States.

208. State Courts.—The State courts are the inferior or lower courts, such as the justice's court and the county courts; and the higher or superior courts, such as the court of appeals, the court of errors or the supreme court. In the State courts are tried all cases of a civil or of a criminal nature that arise within the jurisdiction of the court before which the cases are brought for decision. A case, if not appealed to a higher court, is settled in the court in which it is first brought. The laws of the several States and of the United States determine whether or not a case may be appealed to a higher court. Nearly all suits at law begun in State courts are settled there. Suits at law are managed by men learned in the law, who act in the place or turn of another, and who are therefore called attorneys-at-law. A person may manage his own case at law, but he is safer in employing an attorney. The court consists of the judge or judges sitting on the bench for the purpose of administering justice. The higher courts are provided with clerks or recording officers and reporters; * there are also in attendance attorneys-at-law

* **Reports and Reporters.**—The decisions of the higher courts are recorded, and from the records are made up the volumes of legal reports by the law reporters of the courts. Each State and the United

and officers that assist the court, such as the sheriff, constables, tipstaves and crier. The judgment of an inferior court is final, unless set aside by the superior court.

209. Military and Naval Courts.—Offences committed in the army or navy are tried before a military or a naval commission called a *court-martial*. Military offences at critical times in a nation's history demand fair and speedy trial. In times of war, civil procedure would be inadequate to the necessities of the case. A case decided by a court-martial cannot be reopened except by order of Congress or of the President with the consent of Congress. Only the President of the United States can pardon persons found guilty by military or naval courts.

210. Arbitration—Matters of difference between contending parties are often adjusted by arbitration, which is the reference of the matters in dispute to disinterested persons chosen by the parties, each party choosing one, and these two choosing a third arbitrator. Crimes cannot be made the subject of arbitration. The opinion or finding of the arbitrators is called an award, and is binding on the parties to the arbitration. In modern times nations have occasionally settled differences between themselves by arbitration.*

States provide for the publication of their own series of reports. These reports are the guide of attorneys-at-law and of judges. They are prepared with great care.

* This humane and peaceful method of arriving at a judgment was pursued by England and the United States in the celebrated Alabama case, a body of claims made by the United States against England for alleged violations of neutrality during the Civil War. The tribunal to determine the disputes between the two countries assembled December 15, 1871, in Geneva, Switzerland, and consisted of five arbitrators—Count Federigo Sclopis of Salerano, named by the king of Italy; Baron Itajuba, named by the emperor of Brazil; Mr. Jaques Staempfli, named by the president of Switzerland; Charles Francis Adams, appointed by the President of the United States; and Lord Chief-justice Sir Alexander Cockburn, appointed by the queen of Great Britain. After an ex-

211. Criminal Cases and Civil Cases.—All cases at law are divided into two classes—*criminal* and *civil*. A criminal case is one in which a suit is brought, usually in the name of the State, by one person against another for the commission of a wrong endangering his life, health, property, liberty or reputation. A civil case is one in which suit is brought to compel a person to execute his contract or to make compensation for refusing or neglecting to do so. Courts of justice administer civil and criminal law, and the same judge may at different times sit as a criminal court or as a court hearing civil cases. Courts of oyer and terminer and jail delivery and courts of *nisi prius* are courts which redress public wrongs—that is, crimes and misdemeanors. Courts of common pleas are courts which redress civil wrongs or wrongs arising from breach of contract. Probate courts, orphans' courts or surrogates' courts are courts which settle the estates of deceased persons.

212. History of a Civil Case.—A civil case originates in a breach of contract. A contract is an agreement to do or not to do a particular thing.* Contracts are expressed—that is, stated formally in writing or verbally before witnesses; or implied—that is, such as reason and justice dictate, and which the law presumes that every man undertakes to perform. If I employ a person to work for me, the law implies that I shall pay him the value of his services. It is implied in all contracts that if I fail in performing my part of the agreement I shall pay the other party such damages as he has sustained by my neglect or

haustive examination of the matters submitted to it the tribunal awarded \$15,500,000 in gold, September 14, 1872, as the indemnity to be paid by Great Britain to the United States in satisfaction of all claims referred to the consideration of the tribunal. The award was promptly paid, and since that famous decision it has become the custom of civilized nations to seek a settlement of international disputes by arbitration

* See ¶ 172, p. 90.

refusal. The great law of contracts is, that all persons are legally bound to keep their contracts or suffer the penalty for the breach of them.

The party bringing the suit at law is called the plaintiff; his opponent is called the defendant. Each party usually seeks the advice of an attorney, and if the parties cannot come to an amicable settlement the case is brought before the court having jurisdiction in such cases. After the filing of the necessary legal papers as introductory to the case in court, it comes on in its order for trial. The plaintiff, his attorney and his witnesses confront the defendant, his attorney and his witnesses. By mutual consent the case may be settled upon a hearing by the judge alone, but usually the case is set down for a jury trial. All cases that come before the courts are brought upon oath of the parties bringing them. Plaintiffs, defendants and witnesses at some stage of the case take oath as to the truth of the matter involved. This compelling every person connected with the case to declare his knowledge of it upon oath, imparts solemnity to the proceedings, and makes each person so swearing or affirming, guilty of perjury if he does not tell the truth.

Before the case opens, if a jury trial, a jury is empanelled. Trial by jury is very ancient, and its origin is not clear. Some think that it arose in England from the custom prevailing there many years ago of twelve men, called compurgators, or oath-makers, taking solemn oath that to the best of their individual belief certain statements were true or false. In those ancient days men sometimes resorted to curious devices to determine the guilt or the innocence of an accused person. He was compelled to plunge his naked arm or his body into boiling water or boiling oil, or to pick up a red-hot ploughshare, or to walk over a fiery path, or to wage battle in single combat. If he performed these requirements unharmed, he was thought to be *innocent*. At the present time, in England and in

the United States, trial by jury is the common manner of trying cases, and the right to trial by jury is secured to citizens by the unwritten constitution of England and by the written Constitution of the United States.*

213. History of a Criminal Case.—Offences of an atrocious nature, such as murder, arson, burglary and larceny, are called crimes; offences of an inferior degree of guilt are called misdemeanors. Crimes and misdemeanors hazard the peace of society, and are therefore public wrongs. The person injured or his legal representative, or the attorney representing the State, brings the action in a criminal case. First, upon evidence sufficient to satisfy a justice of the peace, a magistrate or a judge, the person suspected or accused of committing the offence is arrested, under warrant, by the constable or sheriff. Upon arrest the prisoner is subject to preliminary examination before the officer who issued the warrant. If not discharged, the prisoner is remanded into custody to await trial. If the offence is a bailable one, he may be set at liberty on bail, which is secured to the State by sufficient securities. The State becomes the plaintiff and is called the prosecution; the prisoner is the defendant. After a reasonable time the prisoner, if not out on bail, may petition for the right of *habeas corpus*, which the court is bound to notice.† Meanwhile, the attorney for the State has drawn up, accurately and in legal form, a written accusation which is known as an indictment. The indictment states the offence of which the prisoner or the defendant is accused. The prosecuting attorney, representing the State, lays the indictment before the grand jury.

214. The Grand Jury.—The grand jury is a body of men, varying in number in the different States, selected according to law in the county, to examine the indictments presented before it by the prosecuting attorney for the State or county. An indictment is the complaint in

* See ¶ 168, p. 89.

† See ¶ 156, p. 85.

legal form against a person or persons for offences committed by him or them against "the peace and dignity of the commonwealth." The indictment is known as a "bill." On the bill are endorsed the names of the witnesses by whose testimony the charge is supported. The attorney gives to the jury a history of the case so far as he knows it. The jury examines the witnesses endorsed on the indictment, and formally votes on each indictment. A true bill is the formal assent of the majority of the grand jury that the person indicted should be proceeded against according to law. If a true bill is not found, the case is thrown out and comes to an end. Each true bill becomes a criminal case before the court. Each grand jury has a foreman selected by themselves or appointed by the court. He writes across each indictment either "A true bill" or "Not a true bill," as the jury decides. All the proceedings of the grand jury are secret. Before the grand jury retires to consult they are charged by the presiding judge concerning the nature of their duties. The grand jury is a preliminary jury.*

215. The Petit Jury.—The jury before whom civil and criminal cases are tried is called a petit jury. The term "jury" is usually employed as signifying a petit jury. The number of jurors must be twelve. The jurors are chosen from a number of electors selected according to law in the county. From the electors so selected twelve men are chosen, who take their place in the jury-box. This is called empanelling the jury. The jury is sworn and a case comes on for trial.

* An entry may be made on the court-record by which the prosecutor or the plaintiff declares that he will proceed no further. Such an entry is called a *nolle prosequi*. It may be entered in a civil or in a criminal case. In criminal cases, before a jury is empanelled to try an indictment, and also after conviction, the prosecuting attorney has power to enter a *nolle prosequi*. A *nolle prosequi* does not acquit the defendant he may be indicted again.

The manner of trying a civil case differs in some respects from that of a criminal case, but the general procedure is the same. Witnesses are examined and cross-examined. The attorney for the plaintiff or the prosecution presents his side of the case to the court and the jury. The attorney for the defence follows. The judge then charges the jury, relating briefly the history of the case as it has come before the court, and instructing the jurors as to the law applying in the case before them. The judge's charge is listened to with close attention by the jurors, for their verdict is the finding of the facts in the case; what they say is fact is fact. After the charge they usually retire to the jury-room for consultation. During their consultation they are subject to a strict surveillance, and cannot communicate with any person save the judge. A verdict is the unanimous opinion of the jury. If no verdict is reached, the foreman of the jury announces to the judge that the jury cannot agree. The disagreement of the jurors usually puts an end to the case. If they find a verdict, they return to the jury-box and inform the court. The foreman gives the verdict. In a criminal case it is "Guilty" or "Not guilty." In a civil case it is "For the plaintiff" or "For the defendant." In most civil cases the jury fixes the amount of damages, and the amount named is a part of the verdict. At the close of the session of court the jurymen are discharged.

Each elector is subject to jury-service unless exempted by law. In some of the States persons of certain professions or occupations, such as clergymen, or teachers, or physicians, or attorneys-at-law or members of the National Guard, are exempted from jury service. The judge at his discretion may excuse a man from jury-service. A courthouse is often frequented by men who hope to be called as jurymen to fill vacancies, and thus earn a small sum. These men are inferior to the men called by the sheriff in *due course of law* from the body of the electors, yet they

often decide important cases in court. People sometimes complain of the miscarriage of justice in our courts. In rare instances the complaint may be well founded. It is difficult to obtain a well-qualified jury. Our laws exclude from the jury in any case all persons who, having learned about the case, have formed any opinion in regard to it. A jury is supposed to be absolutely free from prejudice in the case before them. It is the duty of the citizen to serve on jury when summoned.

216. Judgment, Sentence and Execution.—The decision of the court follows the verdict of the jury. In civil cases the decision of the court is called *the judgment*; in criminal cases it is called *the sentence*. A judgment or a sentence follows the law. By force of the judgment the party obtaining it seizes and sells by the sheriff the personal property of the adjudged person to the amount of the claim fixed by the judgment. If the personal property is not sufficient to satisfy the debt, the real property of the delinquent is levied on and sold by the sheriff to the amount of the judgment.

If found guilty in a criminal case, the person is sentenced by the court to suffer the penalty of the law. A person sentenced to capital punishment may be respited or pardoned by the governor of the State. The carrying out of the judgment or the sentence of the court is the execution.

217. The Appeal.—If the party who loses the suit thinks there has been an error of any kind in the trial, his attorney applies for a new trial, which, if granted, proceeds before a new jury in the same manner as when first tried. If a new trial is not granted, he may appeal from the decision of the court to the supreme court of the State. The supreme court either orders a new trial in the lower court or renders a decision in the case. The decision of the supreme court of the State is final, excepting for a certain class of cases designated by the Federal Constitution;

which cases may be appealed to the inferior courts of the United States or to the Supreme Court of the United States. Cases tried in the supreme court of the State or of the United States are usually decided by the judges alone, without the intervention of a jury.

218. The Supreme Court of the United States.—The Constitution provides for one Supreme Court, which meets in the Capitol at Washington, D. C., and consists of a chief-justice and eight associate justices. It holds one session annually, beginning on the second Monday of October. A quorum consists of any six justices of the court, and the decision of a quorum is the decision of the court. It exercises original jurisdiction in all cases affecting ambassadors, other public ministers and consuls, and those in which a State is a party. All other cases before it are cases appealed into it from State courts or from inferior courts of the United States. It may modify its own decisions, but its judgment is final.

219. Inferior Court of the United States.—The Constitution empowers Congress to establish United States courts inferior to the Supreme Court. Under this authority it has established sixty-three District Courts, nine Circuit Courts, nine Appellate Courts, the court of the District of Columbia, Territorial Courts, the Court of Claims and Consular Courts.*

* The sixty-three districts are—Alabama, New York, Texas, three each ; Arkansas, Florida, Georgia, Illinois, Michigan, Mississippi, Missouri, North Carolina, Ohio, Pennsylvania, Tennessee, Virginia and Wisconsin, two each ; other States, one each.

The nine circuits are —

1. Maine, New Hampshire, Massachusetts and Rhode Island.
2. Vermont, Connecticut and New York.
3. New Jersey, Pennsylvania and Delaware.
4. Maryland, West Virginia, Virginia, North Carolina and South Carolina.
5. Georgia, Florida, Alabama, Mississippi, Louisiana and Texas.



THE SUPREME COURT OF THE UNITED STATES.

The judges in the Federal courts are appointed by the President with the consent of the Senate, and hold office during good behavior. They may be removed from office on impeachment and conviction by the Senate. Any judge, having attained the age of seventy years, may retire on full pay after ten years of consecutive service. The compensation of the judges cannot be diminished during their tenure of office.

220. Officers of United States Courts.—United States commissioners are appointed by the circuit judges to perform various duties, the principal of which are to arrest and hold for trial persons accused of offences against the United States, and to assist the district and the circuit courts by taking testimony for use in the trial of cases. The number of commissioners is at the discretion of the judges. To aid in the administration of justice, either

6. Ohio, Michigan, Kentucky and Tennessee.

7. Indiana, Illinois and Wisconsin,

8. Minnesota, Iowa, Missouri, Kansas, Arkansas, Nebraska, Colorado, North Dakota, South Dakota and Wyoming.

9. California, Oregon, Nevada, Montana, Washington and Idaho.

The District Courts, the Circuit Courts and the Appellate Courts were created to relieve the Supreme Court; their jurisdiction is prescribed and regulated by Congress. The court of the District of Columbia exercises a civil and a criminal jurisdiction in that District. The Territorial courts exercise the same jurisdiction in the several Territories. The court of claims meets in Washington, and has the peculiar duty of deciding what claims against the United States should be paid. The United States cannot be compelled to pay anything it owes, but Congress organized this court as a judicial commission to examine all claims against the United States and to report its decisions to Congress. It files its opinions with a committee of Congress, and claims found due by the United States are paid by order of Congress out of unexpended money in the Treasury.

Consular courts are held, in some cases, by American consuls in service in foreign countries; the cases decided in them are such as arise *in commercial transactions* between Americans and foreigners where the *matters in dispute are not of a grave nature.*

State or Federal judges, a justice of the peace or a magistrate may perform the duty of a commissioner. The State Government thus aids the Federal Government in arresting and examining accused persons. It is through the United States commissioner, or the official acting in his stead according to law, that the Federal Government exercises its power over individuals. A State officer exercising the authority of a commissioner acts as an officer of the United States, and not as a State officer.

For each of the sixty-three districts the President appoints a United States marshal and a district attorney. The marshal is the executive officer of the circuit and district courts, with duties corresponding to those of the sheriff in the county. The writ of a United States marshal has authority anywhere in the United States. The district attorney is the law-officer of the United States for the district.

221. Justice Secured under the Constitution.—By the exercise of the powers given to the Supreme Court by the Constitution, the people of the United States secure justice. The jarring interests of individuals could not be quieted except by the administration of law by a tribunal from whose decisions there can be no appeal. The United States Supreme Court is our court of last resort, and its judgments have been so tempered with wisdom that it has become in power what it has long been in name, “the balance-wheel in our system of government.” Justice could not, however, be secured if the Federal Constitution could not be adapted from time to time to the interests of the nation as they have been recognized by the people. The Constitution makes provision for amendments, of which more than seven hundred have been proposed in Congress since 1789; the fifteen now in force were proposed by Congress and ratified by the State legislatures.

CHAPTER XIII.

THE PEOPLE AND THE LAND.

222. The People.—Two permanent elements in government are the people and the land. Our civil institutions began to move westward across the country soon after its acquisition, and chiefly in three main currents—a northern, a middle and a southern current. The old thirteen States are the parents of all the States west of them. There is a larger New England west of New England, a larger Virginia west of Virginia. Not only have State constitutions moved westward with the people, but opinions, beliefs, characteristics, morals, industries, habits of daily life, stories and anecdotes, educational systems, styles of building, systems of law, of public roads and of public charities, religious views, names of towns, cities and counties, have moved westward also.

Any one who would understand the government of the people of the United States must understand the great law of migration: *similar civil institutions follow lines of equal temperature*. The customs and opinions prevailing in North Carolina and Georgia are not found in the Northwest, nor are the customs and opinions of New England found in the South-west.

223. The Land is the field of the people's activity. The use of the land is sacred to the people. The land of our nation will in time extend as far as the sovereign will of the people shall dictate. It is probable that only the waves of the ocean, the frozen barriers of the North and the torrid heat of the South will ultimately mark the boundaries of our national domain.

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224. The Original Domain.—The map shows the original domain of the thirteen States fixed by the treaty of Paris, 1783. It shows also the various acquisitions since that time. In the old States no common system of public survey was followed, but in the Western States, in that portion of the country known as the Public Domain, a national system of survey has been followed, based upon the congressional township.*

225. How the Township is Formed.—The Government surveyors in making a survey first establish a *principal meridian*. Twenty-four principal meridians have already been established, the first of which was the line dividing Ohio from Indiana.

A parallel line crossing the principal meridian at right angles is then established, and called a *base line*.

Every six miles apart, east and west of the principal meridian, another meridian is established, and every six miles apart, north and south of the base line, another parallel line is established. These meridians and parallels are called *township lines*.

The square tracts of land enclosed by the township lines are called *congressional townships*. Each township is nearly six miles square; not exactly, because the eastern and western boundary-lines of the township are meridians;

* The congressional township is not to be confounded with the civil township; it is not a political division of the county, nor has it any political organization. It is simply a tract of land, six miles square, instituted to afford a convenient method of recording and describing land.

The survey of the Public Domain is under the control of Congress, and was inaugurated by a committee of the Continental Congress in 1785. Thomas Jefferson was chairman of this committee. The committee recommended that all public land should be surveyed into hundreds or townships of ten miles square. At the suggestion of James Monroe, the township, or hundred, as it was called, was reduced to six miles square, and the sectional subdivision of the township was made one mile square, or 640 acres, a suggestion that gave us our system of *public survey*.

hence, on account of their convergence toward the north and divergence toward the south, a township is not a perfect square, and the townships would constantly decrease

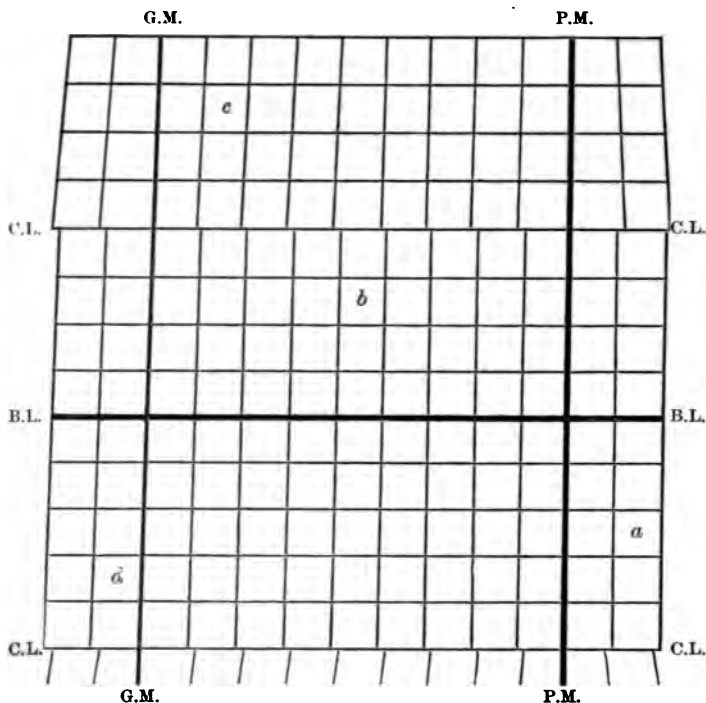


DIAGRAM OF A GROUP OF TOWNSHIPS, ETC.

P. M. represents part of a principal meridian; B. L., part of a base line; G. M., part of a guide meridian; C. L., correction lines. *a* is township 3 south, of range 2 east of the principal meridian; *b* is township 3 north, of range 5 west of the principal meridian; *c* is township 7 north, of range 8 west of the principal meridian; *d* is township 4 south, of range 10 west of the principal meridian.

in size toward the north and increase in size toward the south as the distance from the base line increased, ultimately defeating the purpose of the survey, were it not

for *correction lines*, which (in the eastern part of the Public Domain) are established every twenty-four miles north and every thirty miles south of the base line. A new meridian, called a *guide meridian*, is also established every fifty-four miles east and west of the principal meridian. By the use of the *correction lines* and the *guide meridians* the size of the township is restored.

Townships are numbered in order north and south of the base line, and in *ranges* east and west of the principal meridian.

226. Sections.—Each township is divided into thirty-six sections. Each section is one mile square, and contains nearly 640 acres,* divided into sixteen tracts of 40

Township line north.

	6	5	4	3	2	1	
Township line west.	7	8	9	10	11	12	Township line east.
Township line west.	18	17	16	15	14	13	Township line east.
Township line west.	19	20	21	22	23	24	Township line east.
Township line west.	30	29	28	27	26	25	Township line east.
Township line west.	31	32	33	34	35	36	Township line east.

Township line south.

DIAGRAM OF A TOWNSHIP divided into sections of 640 acres each.

acres each. The lines that bound the sections are called section lines. Sections are numbered from east to west and west to east alternately.†

* As the lines forming the eastern and western boundaries of the section converge toward the north, the section is not a perfect square, hence does not contain exactly 640 acres.

† In townships on the Public Domain established by the Government

hence, on account of their convergence toward the north and divergence toward the south, a township is not a perfect square, and the townships would constantly decrease

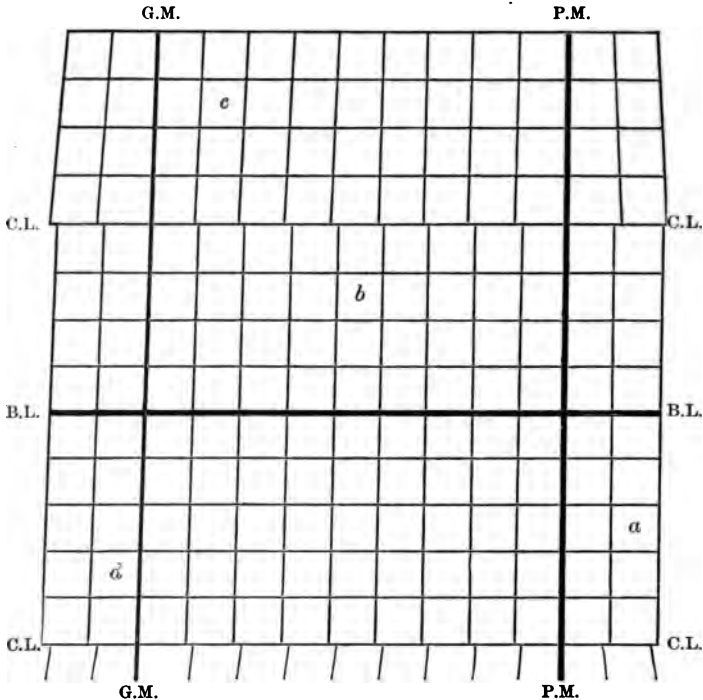


DIAGRAM OF A GROUP OF TOWNSHIPS, ETC.

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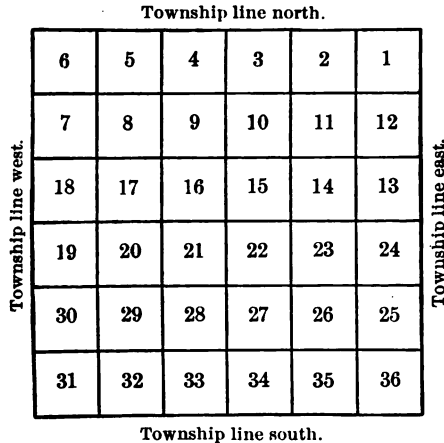


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As the survey works westward, fractional or imperfect sections are located on the west side of the township. The United States surveyors locate the "corners" of the sections and half-mile marks between the corners. Their work is then completed, and a natural object or an artificial construction, duly registered on the surveyor's field-book, marks the survey.

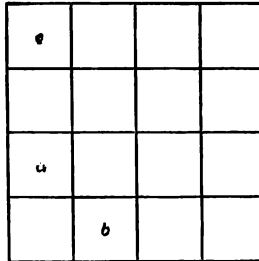


DIAGRAM OF A SECTION divided into tracts of 40 acres each.—Assuming the diagram of the section to be section 6 in township 5 north, of range 2 west of the sixth principal meridian, lot *a* would be described as the N. W. $\frac{1}{4}$ of the S. W. $\frac{1}{4}$ of Sec. 6 in township 5 north, of range 2 west of the sixth principal meridian; lot *b* is the S. E. $\frac{1}{4}$ of the S. W. $\frac{1}{4}$ of Sec. 6 in township 5 north, of range 2 west of the sixth principal meridian; lot *c* is the N. W. $\frac{1}{4}$ of the N. W. $\frac{1}{4}$ of Sec. 6 in township 5 north, of range 2 west of the sixth principal meridian, and may be abbreviated thus: N. W. $\frac{1}{4}$ of the N. W. $\frac{1}{4}$, Sec. 6, T. 5 N., R. 2 W. of 6th P. M.

By this system a deed of land may be written in a few words, and it is intelligible to any person. Deeds of land in the older thirteen States are usually long and the boundaries are often obscure, the deed calling for "an oak tree" or "a certain pile of stones" or "a stump." Land in the

survey, public roads are usually located on each section line, so that the highways of the township divide it into squares of one mile each. School-houses are usually located at each alternate cross-road, thus giving nine school-houses, two miles apart, to each township. The school-house stands at the centre of a school district two miles square.

Public Domain is easily located and described by lines of latitude and longitude.

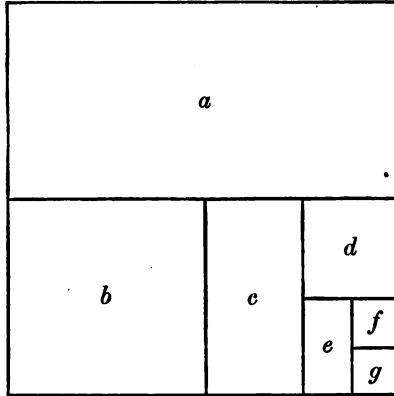


DIAGRAM OF SECTION FOR PRACTICE IN LOCATING LAND.—Assume the section to be sec. 4, township 7 north, range 3 west of third principal meridian. Describe the location of lot *a*, *b*, *c*, *d*, *e*, *f* and *g*.

The munificence of our Government in providing land for the people has been an important element in the settlement of the newer States. It opened the way for a vigorous, progressive and law-abiding people in regions which a few years ago were wild Indian lands.

227. Homesteads.—On the 20th of May, 1862, President Lincoln approved and signed “An act to secure homesteads to actual settlers on the Public Domain.” By this act the head of a family, man or woman, or any single person, twenty-one years of age, who is a citizen of the United States, or person who has declared an intention of becoming such, has the right to locate upon one hundred and sixty acres of unoccupied public land of the Public Domain. The settler must enter the land in a United States land-office and live continuously upon the land for five years. If he is a full citizen of the United States and has complied with the homestead law, he will

CHAPTER XIII.

THE PEOPLE AND THE LAND.

222. The People.—Two permanent elements in government are the people and the land. Our civil institutions began to move westward across the country soon after its acquisition, and chiefly in three main currents—a northern, a middle and a southern current. The old thirteen States are the parents of all the States west of them. There is a larger New England west of New England, a larger Virginia west of Virginia. Not only have State constitutions moved westward with the people, but opinions, beliefs, characteristics, morals, industries, habits of daily life, stories and anecdotes, educational systems, styles of building, systems of law, of public roads and of public charities, religious views, names of towns, cities and counties, have moved westward also.

Any one who would understand the government of the people of the United States must understand the great law of migration: *similar civil institutions follow lines of equal temperature*. The customs and opinions prevailing in North Carolina and Georgia are not found in the North-west, nor are the customs and opinions of New England found in the South-west.

223. The Land is the field of the people's activity. The use of the land is sacred to the people. The land of our nation will in time extend as far as the sovereign will of the people shall dictate. It is probable that only the waves of the ocean, the frozen barriers of the North and *the torrid heat* of the South will ultimately mark the boundaries of our national domain.

of the great seal of the people, a head or figure of Liberty and the national motto, "E Pluribus Unum." Some have thought that our coins should bear the impress of the face of the President during whose administration they are coined. But this would be contrary to the spirit of the Constitution; the people are the Government, and the symbol of the sovereignty of the people is therefore appropriately stamped upon our coins. The unit of value in our coinage is the dollar. The gold coins are the two-and-a-half dollar piece or quarter eagle, the five-dollar piece or half eagle, the ten-dollar piece or eagle and the twenty-dollar piece or double eagle. The silver coins are the dollar, half-dollar, quarter-dollar and dime. There are also coined the bronze one-cent piece and the nickel five-cent piece, known as "minor coins." Our coinage is based upon the decimal system, and was introduced by Thomas Jefferson after his ministry to France.*

232. Substitutes for Money.—The right to coin money carries with it the right to issue paper money. But paper bills are only the evidence of a credit, and are but substitutes for money.

The United States issues several substitutes for gold and silver which pass, under certain restrictions, as money. They are all bills of credit. They consist of Treasury notes, national bank-notes, coin certificates and scrip (sometimes issued).

At different times in our history the ordinary revenues of the Government have not been sufficient to meet its expenses. Rather than obtain funds by increased tax-

* The die of the Goddess of Liberty used on our early coins was first cut by Spencer, the inventor of the Spencer lathe. He cut a medallion of Washington's wife, and some of the first issue of coins were struck with her portrait. When Washington saw them he was much displeased, and requested that the figure be changed. Spencer then placed a cap on the head, altered the features a little and called it the "*Goddess of Liberty.*"

ation, Congress has borrowed money on the faith and credit of the United States.*

233. Treasury Notes.—Treasury notes, sometimes called “greenbacks,” are promises to pay made by the Federal Government. These notes are a legal tender † at their face value for all debts public and private, except duties on imports and interest on the public debt.

234. National Bank-Notes.—The notes printed by the Government and issued by the national banks are a legal tender in the payment of all dues to the United States

* Some people have an idea that the Government can create money, or, as is sometimes said, make “fiat” money. The country has had an experience with such money. During the Revolutionary War the United States and the States, having no coin and practically no credit, began issuing fiat paper money. The paper money of the States and of the United States was printed in such immense quantities that it had little value. It was so rudely printed as to invite easy and successful counterfeiting. The congressional paper so depreciated in value that it was a common expression to speak of a thing having little value as “not worth a continental,” meaning a piece of congressional paper money. Prices rose, and gold and silver coin went out of circulation. A barrel of flour cost \$1575; John Adams paid \$2000 for a suit of clothes. As an illustration of the worthlessness of fiat money, the following copy of an original bill, made in Philadelphia in 1781, is interesting:

COL. A. McLANE	Bo't of W. NICOLL,
1 pair boots	\$600.00
6 3-4ths yds. calico at \$85 per yd.	573.75
6 yds. chintz at \$150 per yd.	900.00
4 1-2hlf yds. moreen at \$100	450.00
4 handkerchiefs at \$100.	400.00
8 yds. quality binding at \$4	32.00
1 skein of silk	10.00
	<u>\$2965.75</u>

If paid in specie, £18 10s.

That is, \$2965.75 in fiat money was worth £18 10s. (\$92.50) in gold coin.

† A legal tender is such an offer of payment as a creditor must accept or forfeit his right to interest on the amount due him.



224. The Original Domain.—The map shows the original domain of the thirteen States fixed by the treaty of Paris, 1783. It shows also the various acquisitions since that time. In the old States no common system of public survey was followed, but in the Western States, in that portion of the country known as the Public Domain, a national system of survey has been followed, based upon the congressional township.*

225. How the Township is Formed.—The Government surveyors in making a survey first establish a *principal meridian*. Twenty-four principal meridians have already been established, the first of which was the line dividing Ohio from Indiana.

A parallel line crossing the principal meridian at right angles is then established, and called a *base line*.

Every six miles apart, east and west of the principal meridian, another meridian is established, and every six miles apart, north and south of the base line, another parallel line is established. These meridians and parallels are called *township lines*.

The square tracts of land enclosed by the township lines are called *congressional townships*. Each township is nearly six miles square; not exactly, because the eastern and western boundary-lines of the township are meridians;

* The congressional township is not to be confounded with the civil township; it is not a political division of the county, nor has it any political organization. It is simply a tract of land, six miles square, instituted to afford a convenient method of recording and describing land.

The survey of the Public Domain is under the control of Congress, and was inaugurated by a committee of the Continental Congress in 1785. Thomas Jefferson was chairman of this committee. The committee recommended that all public land should be surveyed into hundreds or townships of ten miles square. At the suggestion of James Monroe, the township, or hundred, as it was called, was reduced to six miles square, and the sectional subdivision of the township was made one mile square, or 640 acres, a suggestion that gave us our system of public survey.

hence, on account of their convergence toward the north and divergence toward the south, a township is not a perfect square, and the townships would constantly decrease

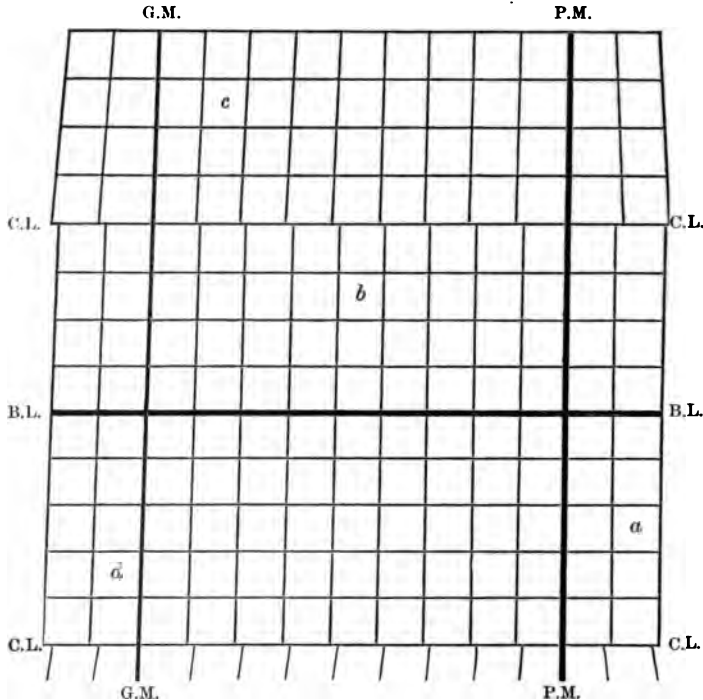


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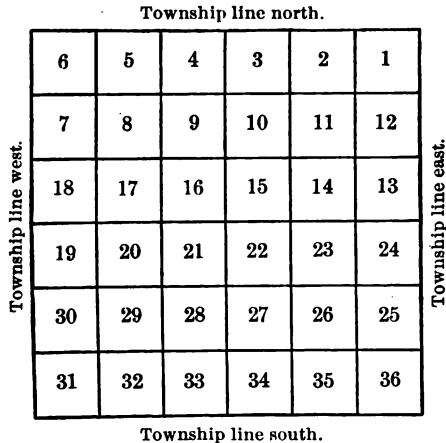


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† In townships on the Public Domain established by the Government

4. The expenses created by the Civil War : for pensions, war-claims, etc. ;
5. The expenses necessary for the support of Government institutions, museums, hospitals, scientific investigations, internal improvements, and for all other measures instituted to promote the general welfare of the people.*

* The total revenue of the Federal Government for the fiscal year ending June 30, 1893, amounted to \$732,871,214.78.

The total expenditures of the Federal Government for the fiscal year ending June 30, 1893, amounted to \$787,629,706.19..

The excess of expenditures over receipts for the fiscal year ending June 30, 1893, was \$54,758,491.41.

The total amount of money in circulation Jan. 1, 1894, including gold, silver, gold and silver certificates, treasury notes, United States notes, currency certificates and national bank-notes, was \$1,729,018,266.00.

CHAPTER XV.

THE CITIZEN.

243. How Considered in American Law.—A citizen is a person born or naturalized in the United States. Men, women and children are citizens. Those citizens who have the right to vote are electors. Native electors may fill any office within the gift of the people, and naturalized electors are eligible to any State or Federal office except that of the President and of the Vice-President. Since it is now possible for a member of the Cabinet to succeed the President in some contingencies, it is improbable that hereafter naturalized citizens will be called into the President's Cabinet, as they have been in several administrations in the past. A citizen of the United States residing in any State of the Union is a citizen of that State. Naturalized persons first become citizens of the United States, and then by right become citizens of the State in which they choose to reside. The naturalization of an alien naturalizes his wife and those of his children who are under age. The children of an alien who are born in this country, if they continue to live here, are considered natives; they may, however, when they become of age, elect to become citizens of the country of which their father was a citizen. Children of American citizens born in foreign lands are considered American citizens, unless when they become of age they elect to become citizens of the foreign country. Citizens of the United States are entitled to the protection of the American Government. Every citizen is born with industrial, political, legal, social and moral rights and duties.

244. An Industrial Person.—It is my right and my

duty as a citizen to exercise my powers industrially. In order to do this I require training and education, which are imparted to me by my parents and by the State organizing its efforts in a system of public education. Education is given to me as an opportunity in life at the expense of the community, which is taxed to support an educational system. Schools of high grade, such as technical schools, colleges and universities, offer more extensive means for training and acquisition, but not usually at the expense of the State. In most of the States, however, exist institutions of learning of higher rank than that of the common school, at which, if I choose, I may obtain further preparation for my work in life. As an industrial person I should equip myself to do some necessary and honorable work in the world; by training and acquisition protect myself against poverty and distress, and secure the comforts of life to those who may be dependent upon my efforts. My first duty is to acquire a reasonable degree of skill that shall employ me in a manner most worthy of my powers. Life is real, and I must be prepared to act my part amid its realities. Not alone training the mind by means of books, but manual training and actually learning things and men, and thinking accurately and swiftly about them, constitute my best preparation for the industrial life.

245. A Political Person.—As a citizen I am a political person, governing and being governed. I participate in the life of my generation, discuss public questions, listen to others, join a political party which best expresses my conscientious views, and to the best of my ability I act with that party for the welfare of my locality, my State and my country. In order to do this I must be acquainted with the nature of the government of which I am a part. My knowledge must extend to the examination of the motives of men, the duties of citizenship, the record of political parties, the consequences of political actions and the *probable effect* of those political measures which I support

or oppose. Newspapers, books, travel, inquiry, information of all kinds, must be made subservient to that wise knowledge of men and measures which alone can make me a thinking citizen instead of an ignorant partisan. If an elector, I must vote as wisely as my judgment permits, and I must use my individual influence to secure purity in elections, official honesty and fidelity, and, above all, to create a wise and conscientious citizenship. This is a government "of the people, by the people and for the people." Therefore the people must be wise, just and faithful.

246. A Legal Person.—As a legal person I am in certain relations to men and to things. I indirectly make the laws if an elector, or directly if a legislator. I am subject to the laws. I inherit or obtain property, and thereby must assume responsibilities. I stand in personal relations, such as husband to wife, parent to child, child to parent, guardian to ward, brother to sister, employé to employer. In all of these relations I am responsible for my conduct. The ownership of property brings me into direct relations with the government, because my property aids in continuing that government. I am anxious for peace and prosperity, and must conduct my business according to the spirit as well as to the letter of the laws. If my services are demanded by the State or by the nation to carry arms for the defence of my country, I must go willingly, and personally assist in continuing or in restoring the blessings of liberty to my fellow-citizens. I am liable to jury-service and to the duties incident to official service, provided I am called to serve in a public capacity. In my business relations I am constantly subject to the performance of my contracts, whether expressed or implied. I am responsible for the payment of taxes to the local and to the State authorities. I have right to sue and to be sued, to appeal to the protection of the law if I am *injured by another*, and to have a free, full, speedy

and impartial trial before a jury of my peers in case I am the defendant in a case at law. My legal rights are jealously guarded by the laws of the land and by the Constitution of the State and of the United States. My principal legal right is my equality of right with my fellow-citizens before the law.

247. As a Member of Society.—As a member of a free society composed of my fellow-citizens I enter a large group of relations. There are innumerable duties and rights necessary to the welfare of society which must be observed by the citizen, although there may be no special law requiring their observance. Mere laws cannot make society good. Laws are not better nor wiser than the community which enacts them. The unwritten laws of society are often more potent than the written laws. Public opinion praises or condemns human actions. I contribute to public opinion by expressing my own. I influence society by my character, my manner of life, my opinions, my use of property, my treatment of others, my ideas of right and wrong, my entire conduct as a human being. I must therefore consider the rights of society as general rather than as particular, as affecting masses of men rather than individuals. Society implies citizens as a community of moral persons. Public morals are not likely to be better than private morals; public opinion is colored by the private opinions of energetic men and women. As a member of society my duties enlarge to the consideration of “Who is my neighbor?” I must so live that the motives and principles that actuate and direct my life, if applied as a rule, would operate for the welfare of society.

248. As a Moral Person.—Government is moral because the individuals who constitute it are moral in their nature. All that tends toward goodness and happiness and honor and civilization is moral. Unfortunately, there are criminals and evil men in human society. These *must be controlled* or removed. Prisons and jails are as

necessary as school-houses and churches. Great cities are crowded with the vicious and the unfortunate, whose children are endangered by evil associations and whose training is accidental or immoral.

Morality is fostered by industry, sobriety, righteousness and self-government. There is something within me that tells me of higher relations than those of earth. I have aspirations for eternal life. I know that God is; that right makes might; that morality conduces to my welfare, to the welfare of society and to the peace of the whole world. My moral relations are the loftiest which I can possibly sustain, because by them I stand a brother to my fellows and a child of God.

The chief duty of a citizen of the United States is to use his influence, and if he is an elector to deposit his vote, for purity in politics and for the education of the people, industrially, politically and morally.

CHAPTER XVI.

THE PEOPLE IN POLITICS.

249. Distrust of the People.—The only experiment in human history of popular government on a grand scale is the Government of the people of the United States. At the time of its organization the people of Europe disagreed as to the probable result of the experiment. Few believed that the new Republic would long survive the shocks incident to so novel an undertaking. Could a Government so constituted long endure? Would it not fall a prey to party greed, to factions, to political conspiracies or to the riot of the mob? Were the masses capable of self-government? Could the people be trusted to secure and to maintain their own substantial happiness? Could the governing and the governed become the same without the overthrow of all government? These questions, and many others like them, were asked a hundred years ago when the Government of the people of the United States began. In ancient times there were republics, such as Greece, and during the Middle Ages, such as those in Italy; but these republics decayed, and their very names are almost forgotten.

250. Influence of Traditions.—What has prevented the decay of the Government of the people of the United States?

Perhaps the first answer is, We did not break away entirely from our traditions when we organized a government for ourselves. An enduring government is composed of many elements, all of which may be arranged in two classes: those which are *institutional*, and those which are *constitutional*. The institutional elements are those

which enter into the way of life habitual to the people—their manner of thinking, their social institutions, their schools and their churches, their books and their papers, their industries and their amusements. The constitutional elements are political: they are such elements as gather about great public questions, methods of governing men, of repressing or of removing crimes and evils, of protecting interests and rights, and of securing these rights for the general welfare. Our traditions as a people aided us in developing our institutions from the past without a serious break; Europe instructed us in art and science, but we were obliged to form our constitutions chiefly by our own political experience. Fortunately for us, the men who were prominent in organizing our Government were conservative men. They were influenced by two systems of government at that time attracting the attention of the world: the English system of a constitutional monarchy, and the French system of a mixed democracy then advocated by French political writers. They adopted a system of representative democracy, which embodied the best elements of both; and to this day the chief executive and the Senate, by the system of indirect election by the people, and the judiciary of the United States, by Federal appointment, continue the conservative elements peculiar to the English Government to which our fathers had been accustomed for many years. In the choice of our local officers, our State officers, and members of the national House of Representatives we approach closer to a democracy, but the approach is by the system of representation. Thus our Government, whether State or national, is a representative democracy.

251. Political Experience.—During the century mistakes have doubtless been made, but the general tendency of political affairs has been to promote the welfare of the people.

During the *earlier years* of our history the Constitution

of the United States was the sole guide of our political leaders. It was then unincumbered by party interpretations and collateral growths. It was the text of an instrument awaiting interpretation by the will of the people. That interpretation has slowly grown with our national growth, and as we enter upon the second century of our history we possess a political experience which will aid us in avoiding many possible dangers of the future.

252. Equality Before the Law.—In a popular government, if one citizen suffers unjustly the rights of all are endangered. Equality before the law is the inborn right of every American citizen. Any element in our national life which endangers that fundamental right endangers our whole frame of government. The principal object of any organized government is to secure to the citizen his rights, to protect them, and so to constitute the public mind that nothing less than complete security and perfect protection will satisfy the conscience of the nation. All political combinations, all rings and monopolies, all corporations and social arrangements, which endanger the equal rights of each citizen before the law, must be torn up by the roots and cast away.

253. Origin of Political Parties.—On public questions, however, all men do not and cannot think alike. The very function of government is always in dispute. Shall the Federal Government be extended so as to include practically all local government under the excuse of promoting the general welfare? Shall the Federal Government limit itself wholly to administrative duties, attempting nothing for the individual citizen, but leaving his interests entirely to the care of the State? Shall the Federal Government be made paternal in its relations to the people? On these fundamental questions the people have widely differed. Political parties have sprung up among them, and have at last become so characteristic of popular government in this country that it is practically impossible

to conduct our Government without the intervention of them. A political party is an organized body of men acting together to accomplish certain results in matters of government.*

254. Contrasts and Comparisons.—When Washington was first chosen President political parties did not exist in the country, but they began during his second term. Then, and for nearly a quarter of a century after, political parties were local rather than national in character. The means for intercommunication were so imperfect that it was impossible for men living in distant parts of the country to organize and to transact political business with harmony and dispatch. Political parties have become organized forces in this country just as the means for communication between different parts of the country have been perfected. The age of post-horses gave way to the age of coaches; coaches were displaced by canals, and canals by railroads and telegraphs. When Hamilton was the leader of the Federal party in 1800, it took three months to carry his views to men of the same mind in distant Georgia, so difficult was the journey from New York to Savannah. To-day, the views of a national committee in New York are known in a few minutes in Galveston or in San Francisco. In Hamilton's day only the leaders participated in politics; the majority of men were disqualified by poverty or deterred by lack of interest from voting. The electors then voted *viva voce*, except in a few States which, like Massachusetts, had introduced the ballot. Now the use of the ballot is universal, religious and property qualifications have disappeared, and a man has the right to vote because he is a man.

255. The Organization of Political Parties.—With the more perfect means of communication of ideas in the land, political parties have become more perfectly organ-

* See ¶ 73, p. 44.

ized, until the perfection of party organization has occasioned the use of the word "machine" as descriptive of party methods. Each party is ruled by its committees, which begin in the township, the ward and the town. The ward committee sends a delegate to the convention of ward committees, and the city or county committee is chosen by the convention. County and city committees send delegates to State conventions, and State committees are chosen. The State committees are instrumental in choosing the greatest committee of all, the national committee, which usually directs a Presidential campaign, disburses the party funds, distributes the party speakers, and assists the various State committees whenever it is necessary. The work of the party machine is so concealed from public attention that even in the midst of a campaign it is scarcely detected. So strong is the power of a political party that it sometimes invades individual rights and attempts to dictate how individuals shall vote. Individual duty and party obligations sometimes conflict; the only safe guide for the individual is his conscience.

256. Party Influences.—Political parties have become mighty forces amongst us. They have grown with our growth as a people; they support influential newspapers; they print millions of political pamphlets and scatter them over the land. Books, magazines, public addresses on all phases of public questions, keep the people familiar with the various views of the leading minds of the country. Steam, electricity, industrial and commercial interests, bring the people into close political relations. It follows that the people divide into two great parties, which are to-day so closely balanced that the change of a thousand votes in a doubtful State may decide the result in a Presidential election. A small popular majority in a national election is evidence that the people are so equally divided *in sentiment* that they are about as willing to trust one *party with power* as the other. Political parties in the

days of their strength have been moderate in the United States. President Hayes became President by a majority of one vote in the electoral college, yet there was no attempt to prevent his peaceful inauguration into office. It is doubtful whether in a similar case during the first sixty years of our history the opposing party would have allowed a President to be inducted into office.

257. Americans Conservative.—The reason for the change in public sentiment is found in the growth of the spirit of conservatism in the United States. We are a conservative people, although foreign observers do not always detect that element in our national character. Since President Jackson's administration the Government of the United States has become more democratic, the popular vote has reached its full strength, and the people participate closely in the determination of all important political issues. American conservatism is plainly seen in the respect for the law which is so characteristic of the people. Although a law may be bad, the people act on the principle that the best way to get rid of a bad law is to enforce it.

258. Political Issues.—The numerous public questions on which at various times the people have divided have taken significance from their intrinsic nature or from the times and circumstances under which they have arisen. The settlement of some of these issues has decided the character of the nation. Of these issues the most important were—the Assumption of the Revolutionary debt, the National Banking System, Internal Improvements, the Acquisition of Territory, Commercial Rights on the High Seas and the Payment of the National Debt.

National issues usually become State issues as well, because an elector in the United States is usually a party-man even in local politics; he supports his party candidate for school director with as much zeal as he supports his party candidate for Congress. On political issues political

parties have not always maintained opposite doctrines. One party may favor internal improvements under one system, the other party favor it under another.

259. Platforms and Planks.—Each party usually formulates its opinions somewhat loosely in a series of resolutions called a “platform,” passed by a party political convention. Each resolution is called a “plank.” Party platforms do not always state the full intentions of the party, but every member of the party understands or claims to understand them. The campaign opens, the appeal is made to the people, the ballots are cast and counted; the issue is settled until another election may again bring it forward for popular decision. The victorious party is the organ chosen by the people by which to administer the Government for a limited time.

260. Politics and the Constitution.—Foreigners who study our Government are apt to construe all our politics by our written constitutions, forgetting that our party politics take up questions which we consider entirely outside of the Constitution. The Constitution says nothing about a tariff, although it mentions “taxes, duties, imposts and excises.” A tariff bill is a revenue bill, and the principal issue between the two great parties in 1892 was simply a question of Government revenue. The question then was not, “Shall the Government have a revenue?” but, “How shall the revenue be raised?” The constitutionality of a tariff was settled during the first Congress; the expediency of a tariff or how much tariff or on what articles may become a question at any national election.

261. Function of Parties.—By means of political parties the people become closely familiar with the administration of their Government. They become acquainted with its wants, its scope and its character. They see that the Government is the will of the majority expressed by the administration in power. If the party in power makes use of the trust imposed upon it, it is turned out of

office at the next election and the people try the other party. The responsibility to the people of the party conducting the Government is direct, and is felt in the daily life of each citizen. If my letters go wrong, I complain to the postmaster; if they continue to go wrong, I complain to the Postmaster-General. I blame the party in power represented by the President, and to the best of my ability I use my influence to prevent the continuation of that party in power. My reason for opposing that party may be utter folly to another man, but if my reason can be formulated in a party principle, I usually find many of my fellow-citizens who agree with me. If I doubt the wisdom of the party's action in Congress, I vote against that party when an election occurs. Thus it follows that I as a private citizen, joining with other private citizens, may change the administration.

A government like our own, based upon a free people acting through political parties constituted and organized out of its own body, is a government in which its whole responsibility rests upon the citizen. I am responsible with my fellow-citizens for the political condition of affairs; I, a private citizen, exercising my rights and performing my duties, with the aid of my fellow-citizens, determine the life and character of the Government of which I am a constituent part.

262. Political Reforms.—The people have not always taken the lead in great reforms. Too often the masses are slow to detect the tendency of affairs and the necessities of the times. Leaders have then come forward; evil after evil has been exposed and attacked; the people have listened, have thought, and at last have acted. Then the party of reform becomes the party administering the Government, and the nation reaches a loftier moral height than before. And it has happened that a party has changed its opinions, and after many years has become the defender of views which it opposed when first presented. Political

parties in this country are a correct indication of the public mind.

263. Mobs and Courtesies.—With the changes in the social, industrial and moral life of the people a change has occurred in their political life. In early days the members of different political parties wore badges and hats and ribbons as party-marks. Political differences then were occasion for constant broils between individuals, and even the cause of fatal duels, as in the case of Hamilton. Members of different political parties then were disrespectful to each other in the street, lampooned each other through the newspapers, attacked each other's political headquarters and wantonly destroyed each other's property. Party rancor invaded the courts of justice and animated the judges against political offenders because of party opinions. The press was violent in its tone, and political pamphlets of an abusive nature were issued. The masses were ignorant, passionate and easily aroused. Political processions were common occasions for serious riots; the polling-place was too often the scene of disorder. But with the increase of knowledge among the people political life has changed. No longer are riot and abuse and violence and judicial partisanship found. The whole feeling and thought of the people have been modified. In the city of Philadelphia, during a recent Presidential campaign, a Democratic procession accidentally came in contact with a Republican procession. On the same spot, nearly a century ago, Federalists and Anti-federalists had met in a bloody riot during the excitement of a Presidential campaign; but now with orderly presence and with hearty cheers the men in the Republican lines saluted their fellow-citizens of the opposite party, and opened their lines to allow them to pass; and the salute was returned with generous courtesy by the men in the Democratic lines. *It is a mistake to think that politics are worse to-day than in the days of our fathers; the politics of to-day are purer,*

cleaner and better than the politics of the early days of the Republic. With the liberalization of ideas has come a liberalization of politics; not yet perfectly, for there is yet much in our politics that needs reform. Upon the individual citizen rests the responsibility of purity in elections, purity in party politics and honesty in the administration of government.

264. Liberty Enlightening the World.—In the harbor of the city of New York may be seen the statue of "Liberty Enlightening the World," a splendid gift from the people of France to the people of the United States. At night the uplifted torch, held high for the guidance of vessels, casts its friendly light for many leagues far out to sea. Typical of the friendship of two powerful nations of modern times, it is typical also of that sublime aspiration now so universal in the world, the love of liberty. Standing in the highway of the world's commerce, it suggests the spirit which controls the worldwide interests of the people of the United States and the interests of the other civilized nations of modern times. One touch of human brotherhood makes the world akin; one simple word of English speech signifies the sublime purpose of the foundation of popular government in this Western World. Faithful to the traditions of the past, mindful of the teachings of our fathers, keenly vigilant to the dangers that beset us, conservative in our thoughts and in our ways, faithful to each other, to ourselves and to God, we, the people of the United States, may transmit to our posterity a Government which shall continue to the latest day of the children of men.



"LIBERTY ENLIGHTENING THE WORLD."

CHAPTER XVII.

THE NATION.

265. The Elements of the Nation are the People and the Land. The Nation has human nature for its foundation—men in political, industrial, moral and social association. The Nation is a moral organic whole, not a confederation of individuals as a heap of sand is an accumulation of individual grains. The Nation is distinct from a mob, a party, a faction, or an association of individuals. It is distinct from the offices required for the formal expression of its government. It is distinct from its constitutions and its treaties. It is the people, **not** merely as enumerated in the census, but as a moral unity. One race, one land, one law, make a Nation.

266. The Nation Different from the State.—The State is a political division of the Nation: it is a part of the whole political life of the people. Each State has local interests equal in importance with those of other States, but limited chiefly to the people of that State. The interests of the Nation are unrestricted by State boundaries, and are comprehensive. The rights of the Nation are true of all its citizens, the political people; the rights of the State are true strictly of the people who comprise that State. Therefore the Nation has a broader foundation than the State, because its rights are the most comprehensive rights of the people. The sovereignty of the State is local; the sovereignty of the Nation is general. There need be no collision of these two authorities: each of them is an expression of the will of the people. *The two sovereignties are two expressions of the association of*

rights and interests. Nor are these interests of State and of Nation far remote from each other; they unite in the citizen. As a citizen of a State I am interested in things immediately near me; I am interested in the choice of local officers, in the honesty of the assessor of taxes and in his sound judgment; in the construction of strong bridges and durable roads in the township in which I live; or, if I live in a city, I am interested in having an abundance of pure water, in having clean streets and sanitary drainage, in the protection of property from fire and flood, and in many other local matters.

As a citizen of the Nation I am interested in the general welfare of the whole land; in the policy of the Federal Government; in the survey of the public domain; in the uniformity of the currency, in banking operations, in postal facilities, and in the political rights of all citizens of the United States. I am interested in our relations with foreign nations, as in trade, commerce, social intercourse, the peace of nations and the civilization of man.

As a citizen of the State I am bound by local ties; as a citizen of the Nation I partake of one of the highest of sovereignties and am one of a company of sovereigns. This national sovereignty becomes of highest concern to us as Americans, because it is founded upon free men; it exists by the consent and with the constant aid of a free people. The Nation thus becomes a personality moving in a larger field than the State. It becomes the embodiment of rights, of freedom, of law, of individuality, of the family, of morality.

267. The Sovereignty of the Nation.—The Nation alone is sovereign. Its will is expressed from time to time by its chosen representatives acting together in convention. The Nation is older than the written Constitution. As a sovereign it determines for itself its aim and its object in history. It declares its will and embodies its spirit in its institutions. Its sovereign rights are those of self-preserva-

tion, the power to declare war and to conclude peace, to enter into treaties with other nations, to coin money and to exercise the right of eminent domain. No powers can be greater than these. They identify the Nation as a conscious moral being. As a sovereign the Nation enters into relations with other nations by treaty. A treaty thus made becomes a part of the supreme law of the land. International law is thus made possible by the comity of nations, and individuals may partake of the benefits thus conferred by solemn agreements between the sovereigns.

268. The Nation and the Citizen.—The existence of the citizen is necessary to the existence of the Nation, and the Nation is necessary to the existence of the citizen. The Nation is not apart from the citizen; he is in and of the Nation. In it and through it he realizes his rights and is protected in them. The individual is a moral person; so is the Nation. Each has a law peculiar to its own being. Both have an origin by the will of God, and each moves in the world as a moral power. Society is thus composed of moral elements; "Man is born a citizen." The citizen has his own destiny to work out consistent with the moral order of the world. All he can realize is made possible to him by his own nature, and he is responsible for the exercise of his own powers. When every citizen, conscious of his industrial, his political, his social and his moral responsibilities, lives consistent with the laws of his moral nature, then, and not till then, has the Nation its full strength and the citizen a realization of a complete life. The Nation complements the moral activities of the citizen, and institutes and maintains for his benefit a field for his reasonable activities and his moral development. The Nation is thus bound to educate the citizen harmoniously, offering him opportunities for industrial, political, social and moral training. It has as a constant function the placing within his reach the realization of his loftiest hopes and his moral purposes, and to exalt his manhood and ennoble human

life with human sympathy and brotherly affection. The majesty of law, the authority of Government, the solemn declarations of treaties and constitutions, gather like a benediction on the sacredness of the family and the home.

269. The Foes of the Nation are those who would resolve it into selfish, warring, individual elements, and those who would raise the arbitrary will of an individual into supremacy. One would disintegrate the Nation; the other would change it into a monarchy; one is destructive of the moral unity of the Nation; the other destroys the freedom of the people.*

* Communism, Socialism, Nihilism and Anarchism are elements of danger to the Nation.

Communism seeks social perfection in a putting in common of persons and of things; it destroys the family and private property. It attacks the foundations of modern society.

Socialism seeks to modify all existing laws, manners, customs and guarantees of person and of property, and to reorganize society entirely upon a different basis. The reforms suggested by Socialists have been dictated by every fancy, and usually have been destructive of all civil government. Socialism is government by a committee, and all Socialists wish to be on the committee.

Nihilism, as the name signifies, is the negation of all government. It seeks to overthrow all existing civil government by assassination, dynamite bombs or revolutionary measures of any kind. Nihilism is the organization of revolt against the autocracy and enthroned selfishness of absolute monarchy. The political exiles in Siberia are principally Nihilists. Anarchism and Nihilism are practically the same forms of lawlessness.

Societies and individuals holding and teaching ideas destructive to the welfare of our country have within recent years caused riot and bloodshed in several of our great cities. Without doubt, the people of the United States harbor foreigners who hold political ideas wholly at war with those which lie at the foundation of our free Government. It is the duty of every American citizen to know his rights and to perform his duties; to understand the privileges of his own government; to carry out its humane principles; and to eradicate, by lawful means, *all influences injurious to the peace and welfare of his native land.*

270. The Nation the Permanent Element in History.—The Nation alone is permanent; it is as old as history. Governments are the passing forms of nationality. The mission of the Nation on the earth is to enfranchise man, to exalt humanity, to realize a divine idea among men. God rules in the affairs of men; he is the God of nations also. Centuries pass; new faces come and go; new voices are heard over the earth; other hands labor, and other men enter into their labors with the glory of new duties and the enthusiasm of the exercise of new rights. A pure morality, a lofty statesmanship, a sacrificial devotion among the people to the rights and duties of citizenship, alone keep the Nation from decay. Invention and discovery ameliorate the condition of men; science and art enlarge the bounds of human knowledge; but the Nation alone as a moral power in the world can carry on the work of history. "The Nation is formed as a power on the earth. It is invested with power of God; its authority is conveyed through no intermediate hands, but is given of God. It is clothed with His majesty on the earth."

271. The National Flag and Seal.—The symbol of the Nation is the flag; the evidence of the authenticity of its decrees is the great seal. To an American the flag of his country is an object of veneration; to the people of other lands it is the symbol of liberty, union, peace, happiness and prosperity. Wherever the flag floats the voice of the Nation is heard, and the imprint of the great seal is the solemn proof of its message. The honor of the Nation is the honor of its flag.

272. The People of the United States.—To the people of the United States are entrusted the sacred interests of government. Each citizen is the keeper in trust of the happiness of himself and of those who will come after him. The people are the Nation, and they are to work out on earth the realization of human rights, industrially,

politically, socially and morally. As the Nation is the power that alone realizes the ends and purposes of government, it is by understanding the Nation that we learn the rights and duties of American citizenship. It is for the nations of modern times to realize the hopes of humanity, to be the answer to the prayers of the ages. Popular government is the great experiment of history. The voyage is already begun. We cannot turn back. We are one of an argosy of nations moving toward the freedom of humanity.

“Thou, too, sail on, O Ship of State!
Sail on, O Union strong and great!
Humanity, with all its fears,
With all the hopes of future years,
Is hanging breathless on thy fate!
We know what Master laid thy keel,
What workmen wrought thy ribs of steel,
Who made each mast, and sail and rope,
What anvils rang, what hammers beat,
In what a forge and what a heat
Were shaped the anchors of thy hope.

“Fear not each sudden sound and shock:
'Tis of the wave, and not the rock;
'Tis but the flapping of the sail,
And not a rent made by the gale.
In spite of rock and tempest roar,
In spite of false lights on the shore,
Sail on, nor fear to breast the sea.
Our hearts, our hopes, are all with thee:
Our hearts, our hopes, our prayers, our tears,
Our faith triumphant o'er our fears,
Are all with thee—are all with thee.”



PART IV.

STATE PAPERS.

"A lawyer lecturing on the Constitution of the United States would necessarily start from the Constitution itself. But he would soon see that the articles of the Constitution required a knowledge of the Articles of Confederation; that the opinions of Washington, of Hamilton, and generally of the 'Fathers,' as one sometimes hears them called in America, threw light on the meaning of various constitutional articles."—DICEY.

"The Government of the People of the United States can be best understood by examining, at first hand, the institutions and the constitutions of the American people. Every American citizen has the inestimable and peculiar privilege of examining for himself the sources of the Government under which he lives. 'It is only religion and morals and knowledge that can make men respectable and happy under any form of government.'"—WEBSTER.

STATE PAPERS.



THE MAYFLOWER COMPACT, 1620.*

IN the name of God, Amen; We, whose names are underwritten, the loyall subjects of our dread soveraigne King James, by the grace of God, of Great Britaine

* Among the Pilgrims were some lawless adventurers who thought that as soon as they came ashore they could do as they pleased, and that no one would have power to restrain them, because the patent under which the Pilgrims came was for Virginia, not for New England, which was governed by another company. But the men who made the Mayflower compact embodied the best tendencies and traditions of English government, and now, tried by the demands of a primitive state of society, were equal to them. Although the king's government was far away, the law-abiding men among the colonists at once associated themselves together under a form of government based upon the popular will, and lawlessness was quickly restrained or punished. The first American constitution was then made.

"That wild fellow, John Billington, and others from London have been obliged to behave themselves on shipboard; but, now that they are about to land, declare that they will do as they please. John Carver will have no authority on shore; they will be in the king's domain, and John Carver holds no commission from the king, nor have the Pilgrims any charter. The Pilgrims will see about that. They are men who respect law and order, and intend to have order in their community. It is their *right*—not derived from the king, but a *natural* right. In the cabin of the ship they sign their names to a solemn covenant."—COFFIN.

"This instrument was signed by the whole body of men, forty-one in number, who, with their families, constituted the one hundred and two, the whole colony, 'the proper democracy' that arrived in New England. Here was the birth of popular constitutional liberty. In the cabin of the Mayflower humanity recovered its rights, and instituted government on the basis of 'equal laws' enacted by all the people for the general good."—BANCROFT.

France, and Ireland King, defender of the faith, etc., haveing undertaken, for the glorie of God, and advance-
mente of the Christian faith and honor of our king and
countrie, a voyage to plant the first colonie in the North-
erne parts of Virginia, doe, by these presents, solemnly
and mutually, in the presence of God, and one of another,
covenant and combine ourselves together into a civill
body politick, for our better ordering and preservation
and furtherance of the ends aforesaid; and, by vertue
heareof, to enacte, constitute, and frame, such just and
equall laws, ordenances, acts, constitutions and offices,
from time to time, as shall be thought most meete and
convenient for the generall good of the Colonie. Unto
which we promise all due submission and obedience. In
witnes whereof we have hereunder subscribed our names,
at Cap Codd, the 11th of November, in the year of the
raigne of our sovereigne lord, King James, of England,
France, and Ireland the eighteenth, and of Scotland the
fifty-fourth, Anno Domini, 1620.

THE FIRST DECLARATION OF RIGHTS.*

Resolves of the Convention of the English Colonies at New York, October 19, 1765.

THE Congress, upon mature deliberation, agreed to the following declarations of the rights and grievances of the colonists in America :

The members of this congress, sincerely devoted, with the warmest sentiments of affection and duty, to His Majesty's person and government, inviolably attached to the present happy establishment of the Protestant succession, and with minds deeply impressed by a sense of the present and impending misfortunes of the British colonies on this continent; having considered as maturely as time will permit, the circumstances of the said colonies, esteem it our indispensable duty to make the following declarations of our humble opinion respecting the most essential rights and liberties of the colonists and of the grievances under which they labor by reason of the several late acts of Parliament.

* From 1620 to 1765 the people of the colonies increased rapidly in numbers and in wealth. Their own interests and their relations with the mother-country became more complex. The English Government trespassed repeatedly upon the natural and the constitutional rights of the Americans, until, at the suggestion of the Massachusetts legislature, a congress of representatives from nine of the colonies met at the City-hall, New York, October 7, 1765, by whom a Declaration of Rights, setting forth the liberties of the colonies, was issued. The people were still loyal subjects of the Crown. They were a conservative people, proud of their traditions and calmly asserting their *ancient and undoubted rights*. The declaration was the dignified appeal of a liberty-loving people to the king, that he should protect them in their rights.

1. That His Majesty's subjects in these colonies, owe the same allegiance to the crown of Great Britain, that is owing from his subjects born within the realm ; and all due subordination to that august body, the Parliament of Great Britain.

2. That His Majesty's liege subjects, in these colonies, are entitled to all the inherent rights and liberties of his natural-born subjects within the kingdom of Great Britain.

3. That it is inseparably essential to the freedom of a people, and the undoubted right of Englishmen, that no taxes be imposed on them but with their own consent, given personally, or by their representatives.

4. That the people of these colonies are not, and from their local circumstances cannot be, represented in the House of Commons, in Great Britain.

5. That the only representatives of the people of these colonies, are persons chosen therein by themselves ; and that no taxes ever have been, or can be constitutionally imposed on them, but by their respective legislatures.

6. That all supplies to the Crown, being the free gifts of the people, it is unreasonable and inconsistent with the principles and spirit of the British constitution, for the people of Great Britain to grant to His Majesty, the property of the colonists.

7. That trial by jury is the inherent and invaluable right of every British subject in these colonies.

8. That the late act of Parliament, entitled "An act for granting and applying certain stamp duties, and other duties in the British colonies and plantations, in America, etc." by imposing taxes on the inhabitants of these colonies, and the said act, and several other acts, by extending the jurisdiction of the courts of admiralty be-

yond its ancient limits, have a manifest tendency to subvert the rights and liberties of the colonists.

9. That the duties imposed by several late acts of Parliament, from the peculiar circumstances of these colonies, will be extremely burthensome and grievous, and from the scarcity of specie, the payment of them absolutely impracticable.

10. That as the profits of the trade of these colonies ultimately centre in Great Britain, to pay for the manufactures which they are obliged to take from thence, they eventually contribute very largely to all supplies granted there to the Crown.

11. That the restrictions imposed by several late acts of Parliament on the trade of these colonies, will render them unable to purchase the manufactures of Great Britain.

12. That the increase, prosperity, and happiness of these colonies depend on the full and free enjoyments of their rights and liberties, and an intercourse with Great Britain, mutually affectionate and advantageous.

13. That it is the right of the British subjects in these colonies to petition the King, or either house of Parliament.

Lastly, That it is the indispensable duty of these colonies, to the best of sovereigns, to the mother country, and to themselves, to endeavor by a loyal and dutiful address to His Majesty, and humble applications to both houses of Parliament, to procure the repeal of the act for granting and applying certain stamp duties, of all clauses of any other acts of Parliament, whereby the jurisdiction of the admiralty is extended, as aforesaid, and of the other late acts for the restriction of American commerce.

THE DECLARATION OF INDEPENDENCE—
1776.*

IN CONGRESS, JULY 4, 1776.

*The unanimous Declaration of the thirteen United States
of America.*

WHEN in the Course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the Powers of the earth, the separate and equal station to which the Laws of Nature and of Nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain inalienable Rights, that among these are Life, Liberty and the pursuit of Happiness. That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed, That whenever any Form of Government be

*The Declaration of Rights was unheeded by the king; the liberties of the people were set at naught by the British Parliament; and the Americans were forced, in self-preservation, "to assume among the powers of the earth" the character and position of an independent nation. The conservative character of the people was again illustrated in the calm and dignified spirit of the great state paper which was issued to the world. It was the formal declaration of political opinions long current in America, and constitutes the first national paper in our history. By its promulgation popular government on a grand scale began. The people of the colonies declared themselves a new nation.

comes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness. Prudence, indeed, will dictate that Governments long established should not be changed for light and transient causes ; and accordingly all experience hath shown, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same Object, evinces a design to reduce them under absolute Despotism, it is their right, it is their duty, to throw off such Government, and to provide new Guards for their future security.—Such has been the patient sufferance of these Colonies ; and such is now the necessity which constrains them to alter their former Systems of Government. The history of the present King of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute Tyranny over these States. To prove this, let Facts be submitted to a candid world.

He has refused his Assent to Laws, the most wholesome and necessary for the public good.

He has forbidden his Governors to pass Laws of immediate and pressing importance, unless suspended in their operation till his Assent should be obtained ; and when so suspended, he has utterly neglected to attend to them.

He has refused to pass other Laws for the accommodation of large districts of people, unless those people *would* relinquish the right of Representation in the Leg-

islature, a right inestimable to them and formidable to tyrants only.

He has called together legislative bodies at places unusual, uncomfortable, and distant from the depository of their Public Records, for the sole purpose of fatiguing them into compliance with his measures.

He has dissolved Representative Houses repeatedly, for opposing with manly firmness his invasions on the rights of the people.

He has refused for a long time, after such dissolutions to cause others to be elected; whereby the Legislative Powers, incapable of Annihilation, have returned to the People at large for their exercise; the State remaining in the mean time exposed to all the dangers of invasion from without, and convulsions within.

He has endeavored to prevent the population of these States; for that purpose obstructing the Laws for Naturalization of Foreigners; refusing to pass others to encourage their migration hither, and raising the conditions of new Appropriations of Lands.

He has obstructed the Administration of Justice, by refusing his Assent to Laws for establishing Judiciary Powers.

He has made Judges dependent on his Will alone, for the tenure of their offices, and the amount and payment of their salaries.

He has erected a multitude of New Offices, and sent hither swarms of Officers to harass our People, and eat out their substance.

He has kept among us, in times of peace, Standing Armies without the Consent of our legislature.

He has affected to render the Military independent of and superior to the Civil Power.

He has combined with others to subject us to a jurisdiction foreign to our constitution, and unacknowledged by our Laws; giving his Assent to their Acts of pretended Legislation :

For quartering large bodies of armed men among us :

For protecting them, by a mock Trial, from Punishment for any Murders which they should commit on the Inhabitants of these States :

For cutting off our Trade with all parts of the world :

For imposing taxes on us without our Consent :

For depriving us in many cases, of the benefits of Trial by Jury :

For transporting us beyond Seas to be tried for pretended offences :

For abolishing the free System of English Laws in a neighboring Province, establishing therein an Arbitrary government, and enlarging its Boundaries so as to render it at once an example and fit instrument for introducing the same absolute rule into these Colonies :

For taking away our Charters, abolishing our most valuable Laws, and altering fundamentally the Forms of our Governments :

For suspending our own Legislatures, and declaring themselves invested with Power to legislate for us in all cases whatsoever.

He has abdicated Government here, by declaring us out of his Protection and waging War against us.

He has plundered our seas, ravaged our Coasts, burnt our towns, and destroyed the lives of our people.

He is at this time transporting large armies of foreign mercenaries to compleat the works of death, desolation and tyranny, already begun with circumstances of Cruelty, and perfidy scarcely paralleled in the most barbar-

ous ages, and totally unworthy the Head of a civilized nation.

He has constrained our fellow Citizens taken Captive on the high Seas to bear arms against their Country, to become the executioners of their friends and Brethren, or to fall themselves by their Hands.

He has excited domestic insurrections amongst us, and has endeavored to bring on the inhabitants of our frontiers, the merciless Indian Savages, whose known rule of warfare, is an undistinguished destruction of all ages, sexes and conditions.

In every stage of these Oppressions We have Petitioned for Redress in the most humble terms: Our repeated Petitions have been answered only by repeated injury. A Prince, whose character is thus marked by every act which may define a Tyrant, is unfit to be the ruler of a free People.

Nor have we been wanting in attention to our British brethren. We have warned them from time to time of attempts by their legislature to extend an unwarrantable jurisdiction over us. We have reminded them of the circumstances of our emigration and settlement here. We have appealed to their native justice and magnanimity, and we have conjured them by the ties of our common kindred to disavow these usurpations, which would inevitably interrupt our connections and correspondence. They too have been deaf to the voice of justice and of consanguinity. We must, therefore, acquiesce in the necessity which denounces our Separation, and hold them, as we hold the rest of mankind, Enemies in War, in Peace Friends.

We, therefore, the Representatives of the united States of America, in General Congress, Assembled, appealing

to the Supreme Judge of the world for the rectitude of our intentions, do, in the Name, and by Authority of the good People of these Colonies, solemnly publish and declare, That these United Colonies are, and of Right ought to be Free and Independent States; that they are Absolved from all Allegiance to the British Crown, and that all political connection between them and the State of Great Britain, is and ought to be totally dissolved: and that as Free and Independent States, they have full Power to levy War, conclude Peace, contract Alliances, establish Commerce, and do all other Acts and Things which Independent States may of right do. And for the support of this Declaration, with a firm reliance on the Protection of Divine Providence, we mutually pledge to each other our Lives, our Fortunes, and our sacred Honor.

ARTICLES OF CONFEDERATION—1777.*

To all to whom these Presents shall come, we the undersigned Delegates of the States affixed to our Names, send greeting.

WHEREAS the Delegates of the United States of America in Congress assembled did on the fifteenth day of November in the Year of our Lord One Thousand Seven Hundred and Seventy-seven, and in the Second Year of the Independence of America agree to certain articles of Confederation and perpetual Union between the States of New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina and Georgia in the words following, viz.

“Articles of Confederation and Perpetual Union between the States of New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina and Georgia.

ARTICLE I. The style of this confederacy shall be “The United States of America.”

* The Declaration of Independence was the prelude to a preliminary national constitution, The Articles of Confederation. Some provision for a general government was recognized as necessary. Obeying the lessons of their own experience of two centuries and a half of local government, the representatives of the people, in Congress assembled, adopted a constitution for the Confederation of States which the colonies had become. The Articles of Confederation constitute our first effort to form a “perpetual Union.”

ARTICLE II. Each State retains its sovereignty, freedom and independence, and every power, jurisdiction and right, which is not by this confederation expressly delegated to the United States, in Congress assembled.

ARTICLE III. The said States hereby severally enter into a firm league of friendship with each other, for their common defence, the security of their liberties, and their mutual and general welfare, binding themselves to assist each other, against all force offered to, or attacks made upon them, or any of them, on account of religion, sovereignty, trade, or any other pretence whatever.

ARTICLE IV. The better to secure and perpetuate mutual friendship and intercourse among the people of the different States in this Union, the free inhabitants of each of these States, paupers, vagabonds and fugitives from justice excepted, shall be entitled to all privileges and immunities of free citizens in the several States; and the people of each State shall have free ingress and regress to and from any other State, and shall enjoy therein all the privileges of trade and commerce, subject to the same duties, impositions and restrictions as the inhabitants thereof respectively, provided that such restrictions shall not extend so far as to prevent the removal of property imported into any State, to any other State of which the owner is an inhabitant; provided also that no imposition, duties or restriction shall be laid by any State on the property of the United States, or either of them.

If any person guilty of, or charged with treason, felony, or other high misdemeanor in any State, shall flee from justice, and be found in any of the United States, he shall upon demand of the Governor or Executive power, of the State from which he fled, be delivered up

and removed to the State having jurisdiction of his offence.

Full faith and credit shall be given in each of these States to the records, acts and judicial proceedings of the courts and magistrates of every other State.

ARTICLE V. For the more convenient management of the general interests of the United States, delegates shall be annually appointed in such manner as the legislature of each State shall direct, to meet in Congress on the first Monday in November, in every year, with a power reserved to each State, to recall its delegates, or any of them, at any time within the year, and to send others in their stead, for the remainder of the year.

No State shall be represented in Congress by less than two, nor by more than seven members; and no person shall be capable of being a delegate for more than three years in any term of six years; nor shall any person, being a delegate, be capable of holding any office under the United States, for which he, or another for his benefit receives any salary, fees or emolument of any kind.

Each State shall maintain its own delegates in a meeting of the States, and while they act as members of the committee of the States.

In determining questions in the United States, in Congress assembled, each State shall have one vote.

Freedom of speech and debate in Congress shall not be impeached or questioned in any court, or place out of Congress, and the members of Congress shall be protected in their persons from arrests and imprisonments, during the time of their going to and from, and attendance on Congress, except for treason, felony, or breach of the peace.

ARTICLE VI. No State without the consent of the

United States in Congress assembled, shall send any embassy to, or receive any embassy from, or enter into any conference, agreement, alliance or treaty with any king, prince or state; nor shall any person holding any office of profit or trust under the United States, or any of them, accept of any present, emolument, office or title of any kind whatever from any king, prince or foreign state; nor shall the United States in Congress assembled, or any of them, grant any title of nobility.

No two or more States shall enter into any treaty, confederation or alliance whatever between them, without the consent of the United States in Congress assembled, specifying accurately the purposes for which the same is to be entered into, and how long it shall continue.

No State shall lay any imposts or duties, which may interfere with any stipulations in treaties, entered into by the United States in Congress assembled, with any king, prince or state, in pursuance of any treaties already proposed by Congress, to the courts of France and Spain.

No vessels of war shall be kept up in time of peace by any State, except such number only, as shall be deemed necessary by the United States in Congress assembled, for the defence of such State, or its trade; nor shall any body of forces be kept up by any State, in time of peace, except such number only, as in the judgment of the United States, in Congress assembled, shall be deemed requisite to garrison the forts necessary for the defence of such State; but every State shall always keep up a well regulated and disciplined militia, sufficiently armed and accoutred, and shall provide and constantly have ready for use, in public stores, a due number of field

pieces and tents, and a proper quantity of arms, ammunition and camp equipage.

No State shall engage in any war without the consent of the United States in Congress assembled, unless such State be actually invaded by enemies, or shall have received certain advice of a resolution being formed by some nation of Indians to invade such State, and the danger is so imminent as not to admit of a delay, till the United States in Congress assembled can be consulted: nor shall any State grant commissions to any ships or vessels of war, nor letters of marque or reprisal, except it be after a declaration of war by the United States in Congress assembled, and then only against the kingdom or state and the subjects thereof, against which war has been so declared, and under such regulations as shall be established by the United States in Congress assembled, unless such State be infested by pirates, in which case vessels of war may be fitted out for that occasion, and kept so long as the danger shall continue, or until the United States in Congress assembled shall determine otherwise.

ARTICLE VII. When land-forces are raised by any State for the common defence, all officers of or under the rank of colonel, shall be appointed by the Legislature of each State respectively by whom such forces shall be raised, or in such manner as such State shall direct, and all vacancies shall be filled up by the State which first made the appointment.

ARTICLE VIII. All charges of war, and all other expenses that shall be incurred for the common defence or general welfare, and allowed by the United States in Congress assembled, shall be defrayed out of a common treasury, which shall be supplied by the several States,

in proportion to the value of all land within each State, granted to or surveyed for any person, as such land and the buildings and improvements thereon shall be estimated according to such mode as the United States in Congress assembled, shall from time to time direct and appoint.

The taxes for paying that proportion shall be laid and levied by the authority and direction of the Legislatures of the several States within the time agreed upon by the United States in Congress assembled.

ARTICLE IX. The United States in Congress assembled, shall have the sole and exclusive right and power of determining on peace and war, except in the cases mentioned in the sixth article—of sending and receiving ambassadors—entering into treaties and alliances, provided that no treaty of commerce shall be made whereby the legislative power of the respective States shall be restrained from imposing such imposts and duties on foreigners, as their own people are subjected to, or from prohibiting the exportation or importation of any species of goods or commodities whatsoever—of establishing rules for deciding in all cases, what captures on land or water shall be legal, and in what manner prizes taken by land or naval forces in the service of the United States shall be divided or appropriated—of granting letters of marque and reprisal in times of peace—appointing courts for the trial of piracies and felonies committed on the high seas and establishing courts for receiving and determining finally appeals in all cases of captures, provided that no member of Congress shall be appointed a judge of any of the said courts.

The United States in Congress assembled shall also be the last resort on appeal in all disputes and differences

now subsisting or that hereafter may arise between two or more States concerning boundary, jurisdiction or any other cause whatever; which authority shall always be exercised in the manner following. Whenever the legislative or executive authority or lawful agent of any State in controversy with another shall present a petition to Congress, stating the matter in question and praying for a hearing, notice thereof shall be given by order of Congress to the legislative or executive authority of the other State in controversy, and a day assigned for the appearance of the parties by their lawful agents, who shall then be directed to appoint by joint consent, commissioners or judges to constitute a court for hearing and determining the matter in question: but if they cannot agree, Congress shall name three persons out of each of the United States, and from the list of such persons each party shall alternately strike out one, the petitioners beginning, until the number shall be reduced to thirteen; and from that number not less than seven, nor more than nine names as Congress shall direct, shall in the presence of Congress be drawn out by lot, and the persons whose names shall be so drawn or any five of them, shall be commissioners or judges, to hear and finally determine the controversy, so always as a major part of the judges who shall hear the cause shall agree in the determination: and if either party shall neglect to attend at the day appointed, without showing reasons, which Congress shall judge sufficient, or being present shall refuse to strike, the Congress shall proceed to nominate three persons out of each State, and the Secretary of Congress shall strike in behalf of such party absent or refusing; and the judgment and sentence of the court to be appointed, in the manner

before prescribed, shall be final and conclusive; and if any of the parties shall refuse to submit to the authority of such court, or to appear or defend their claim or cause, the court shall nevertheless proceed to pronounce sentence, or judgment, which shall in like manner be final and decisive, the judgment or sentence and other proceedings being in either case transmitted to Congress, and lodged among the acts of Congress for the security of the parties concerned: provided that every commissioner, before he sits in judgment, shall take an oath to be administered by one of the judges of the supreme or superior court of the State where the cause shall be tried, "well and truly to hear and determine the matter in question, according to the best of his judgment, without favor, affection or hope of reward:" provided also that no State shall be deprived of territory for the benefit of the United States.

All controversies concerning the private right of soil claimed under different grants of two or more States, whose jurisdiction as they may respect such lands, and the States which passed such grants are adjusted, the said grants or either of them being at the same time claimed to have originated antecedent to such settlement of jurisdiction, shall on the petition of either party to the Congress of the United States, be finally determined as near as may be in the same manner as is before prescribed for deciding disputes respecting territorial jurisdiction between different States.

The United States in Congress assembled shall also have the sole and exclusive right and power of regulating the alloy and value of coin struck by their own authority, or by that of the respective States—fixing *the standard* of weights and measures throughout the

United States—regulating the trade and managing all affairs with the Indians, not members of any of the States, provided that the legislative right of any State within its own limits be not infringed or violated—establishing and regulating post-offices from one State to another, throughout all the United States, and exacting such postage on the papers passing thro' the same as may be requisite to defray the expenses of the said office—appointing all officers of the land forces, in the service of the United States, excepting regimental officers—appointing all the officers of the naval forces, and commissioning all officers whatever in the service of the United States—making rules for the government and regulation of the said land and naval forces, and directing their operations.

The United States in Congress assembled shall have authority to appoint a committee, to sit in the recess of Congress, to be denominated "a Committee of the States," and to consist of one delegate from each State; and to appoint such other committees and civil officers as may be necessary for managing the general affairs of the United States under their direction—to appoint one of their number to preside, provided that no person be allowed to serve in the office of president more than one year in any term of three years; to ascertain the necessary sums of money to be raised for the service of the United States, and to appropriate and apply the same for defraying the public expenses—to borrow money, or emit bills on the credit of the United States, transmitting every half year to the respective States an account of the sums of money so borrowed or emitted,—to build and equip a navy—to agree upon the number of land forces, and to make requisitions from each State for

its quota, in proportion to the number of white inhabitants in each State; which requisition shall be binding, and thereupon the Legislature of each State shall appoint the regimental officers, raise the men and clothe, arm and equip them in a soldier-like manner, at the expense of the United States; and the officers and men so clothed, armed and equipped shall march to the place appointed, and within the time agreed on by the United States in Congress assembled: but if the United States in Congress assembled shall, on consideration of circumstances judge proper that any State should not raise men, or should raise a smaller number than its quota, and that any other State should raise a greater number of men than the quota thereof, such extra number shall be raised, officered, clothed, armed and equipped in the same manner as the quota of such State, unless the legislature of such State shall judge that such extra number cannot be safely spared out of the same, in which case they shall raise, officer, clothe, arm and equip as many of such extra number as they judge can be safely spared. And the officers and men so clothed, armed and equipped, shall march to the place appointed, and within the time agreed on by the United States in Congress assembled.

The United States in Congress assembled shall never engage in a war, nor grant letters of marque and reprisal in time of peace, nor enter into any treaties or alliances, nor coin money, nor regulate the value thereof, nor ascertain the sums and expenses necessary for the defence and welfare of the United States, or any of them, nor emit bills, nor borrow money on the credit of the United States, nor appropriate money, nor agree upon the number of vessels of war, to be built or purchased, or the *number* of land or sea forces to be raised, nor appoint a

commander in chief of the army or navy, unless nine States assent to the same: nor shall a question on any other point, except for adjourning from day to day be determined, unless by the votes of a majority of the United States in Congress assembled.

The Congress of the United States shall have power to adjourn to any time within the year, and to any place within the United States, so that no period of adjournment be for a longer duration than the space of six months, and shall publish the journal of their proceedings monthly, except such parts thereof relating to treaties, alliances or military operations, as in their judgment require secrecy; and the yeas and nays of the delegates of each State on any question shall be entered on the journal, when it is desired by any delegate; and the delegates of a State, or any of them, at his or their request shall be furnished with a transcript of the said journal, except such parts as are above excepted, to lay before the Legislatures of the several States.

ARTICLE X. The committee of the States, or any nine of them, shall be authorized to execute, in the recess of Congress, such of the powers of Congress as the United States in Congress assembled, by the consent of nine States, shall from time to time think expedient to vest them with; provided that no power be delegated to the said committee, for the exercise of which, by the articles of confederation, the voice of nine States in the Congress of the United States assembled is requisite.

ARTICLE XI. Canada acceding to this confederation, and joining in the measures of the United States, shall be admitted into, and entitled to all the advantages of this Union: *but no other colony shall be admitted into*

the same, unless such admission be agreed to by nine States.

ARTICLE XII. All bills of credit emitted, monies borrowed and debts contracted by, or under the authority of Congress, before the assembling of the United States, in pursuance of the present confederation, shall be deemed and considered as a charge against the United States, for payment and satisfaction whereof the said United States, and the public faith are hereby solemnly pledged.

ARTICLE XIII. Every State shall abide by the determinations of the United States in Congress assembled, on all questions which by this confederation are submitted to them. And the articles of this confederation shall be inviolably observed by every State, and the Union shall be perpetual; nor shall any alteration at any time hereafter be made in any of them; unless such alteration be agreed to in a Congress of the United States, and be afterwards confirmed by the Legislatures of every State.

And whereas it has pleased the Great Governor of the world to incline the hearts of the Legislatures we respectively represent in Congress, to approve of, and to authorize us to ratify the said articles of confederation and perpetual union. Know ye that we the undersigned delegates, by virtue of the power and authority to us given for that purpose, do by these presents, in the name and in behalf of our respective constituents, fully and entirely ratify and confirm each and every of the said articles of confederation and perpetual union, and all and singular the matters and things therein contained: and we do further solemnly plight and engage the faith of our respective constituents, that they shall abide by the determinations of the United States in Congress assembled, on all questions, which by the said confedera-

tion are submitted to them. And that the articles thereof shall be inviolably observed by the States we respectively represent, and that the Union shall be perpetual.

In witness whereof we have hereunto set our hands in Congress. Done at Philadelphia in the State of Pennsylvania the ninth day of July in the year of our Lord one thousand seven hundred and seventy-eight, and in the third year of the independence of America.

THE CONSTITUTION OF THE UNITED STATES OF AMERICA.*

THE PREAMBLE.

“WE, the People of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.”

ARTICLE I.

THE LEGISLATIVE DEPARTMENT.

Section I.—The Congress in general.

“All legislative powers herein granted, shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.”

Section II.—The House of Representatives.

1. “The House of Representatives shall be composed of members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.”

2. “No person shall be a Representative, who shall not have attained to the age of twenty-five years, and been seven

* The Articles of Confederation proved by experience inadequate to the wants of the people of the United States, and they were supplanted by the Constitution.

“The American Constitution, with its manifest defects, still remains one of the most abiding monuments of human wisdom, and it has received a tribute to its general excellence such as no other political system was ever honored with.”—FREEMAN.

years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen."

3. "Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons. The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of Representatives shall not exceed one for every thirty thousand, but each State shall have at least one Representative; and until such enumeration shall be made, the State of New Hampshire shall be entitled to choose three, Massachusetts eight, Rhode Island and Providence Plantations one, Connecticut five, New York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three."

4. "When vacancies happen in the representation from any State, the executive authority thereof shall issue writs of election to fill such vacancies."

5. "The House of Representatives shall choose their Speaker and other officers; and shall have the sole power of impeachment."

Section III.—The Senate.

1. "The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for six years; and each Senator shall have one vote."

2. "Immediately after they shall be assembled, in consequence of the first election, they shall be divided as

equally as may be, into three classes. The seats of the Senators of the first class shall be vacated at the expiration of the second year; of the second class, at the expiration of the fourth year; and of the third class, at the expiration of the sixth year; so that one-third may be chosen every second year; and if vacancies happen by resignation, or otherwise, during the recess of the legislature of any State, the executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies."

3. "No person shall be a Senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State for which he shall be chosen."

4. "The Vice-President of the United States shall be President of the Senate, but shall have no vote, unless they be equally divided."

5. "The Senate shall choose their other officers, and also a President *pro tempore*, in the absence of the Vice-President, or when he shall exercise the office of President of the United States."

6. "The Senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the President of the United States is tried, the Chief-Justice shall preside; and no person shall be convicted without the concurrence of two-thirds of the members present."

7. "Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit, under the United States; but the party convicted shall, nevertheless, be liable and subject to indictment, trial, judgment, and punishment, according to law."

Section IV.—Both Houses.

1. "The times, places, and manner, of holding elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof: but the Congress may at any time, by law, make or alter such regulations, except as to the places of choosing Senators."

2. "The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day."

Section V.—The Houses Separately.

1. "Each House shall be the judge of the elections, returns, and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner, and under such penalties, as each House may provide."

2. "Each House may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member."

3. "Each House shall keep a journal of its proceedings, and, from time to time, publish the same, excepting such parts as may, in their judgment, require secrecy; and the yeas and nays of the members of either House, on any question, shall, at the desire of one-fifth of those present, be entered on the journal."

4. "Neither House, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two Houses shall be sitting."

Section VI.—Privileges and Disabilities of Members.

1. "The Senators and Representatives shall receive a compensation for their services, to be ascertained by law,

and paid out of the Treasury of the United States. They shall, in all cases, except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective Houses, and in going to, and returning from, the same; and for any speech or debate in either House, they shall not be questioned in any other place."

2. "No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased, during such time; and no person, holding any office under the United States, shall be a member of either House during his continuance in office."

Section VII.—Mode of Passing Laws.

1. "All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments, as on other bills."

2. "Every bill which shall have passed the House of Representatives and the Senate, shall, before it become a law, be presented to the President of the United States; if he approve, he shall sign it, but if not, he shall return it, with his objections, to that House in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If, after such reconsideration, two-thirds of that House shall agree to pass the bill, it shall be sent, together with the objections, to the other House, by which it shall likewise be reconsidered, and, if approved by two-thirds of that House, it shall become a law. But in all such cases the votes of both Houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each House, respectively. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented

to him, the same shall be a law, in like manner as if he had signed it, unless the Congress, by their adjournment, prevent its return, in which case it shall not be a law."

3. "Every order, resolution, or vote, to which the concurrence of the Senate and House of Representatives may be necessary (except on a case of adjournment), shall be presented to the President of the United States; and before the same shall take effect, shall be approved by him, or, being disapproved by him, shall be repassed by two-thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill."

Section VIII.—Powers Granted to Congress.

1. "The Congress shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defence and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States."

2. "To borrow money on the credit of the United States."

3. "To regulate commerce with foreign nations, and among the several States, and with the Indian tribes."

4. "To establish a uniform rule of naturalization, and uniform laws on the subject of bankruptcies, throughout the United States."

5. "To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures."

6. "To provide for the punishment of counterfeiting the securities and current coin of the United States."

7. "To establish post-offices and post-roads."

8. "To promote the progress of science and useful arts, by securing, for limited times, to authors and inventors, the exclusive right to their respective writings and discoveries."

9. "To constitute tribunals inferior to the Supreme Court."

10. "To define and punish piracies and felonies committed on the high seas, and offences against the law of nations."

11. "To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water."

12. "To raise and support armies; but no appropriation of money to that use shall be for a longer term than two years."

13. "To provide and maintain a navy."

14. "To make rules for the government and regulation of the land and naval forces."

15. "To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions."

16. "To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States; reserving to the States respectively, the appointment of the officers, and the authority of training the militia, according to the discipline prescribed by Congress."

17. "To exercise exclusive legislation in all cases whatsoever, over such district (not exceeding ten miles square), as may, by cession of particular States, and the acceptance of Congress, become the seat of the Government of the United States, and to exercise like authority over all places, purchased by the consent of the legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dockyards, and other needful buildings," and

18. "To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the

Government of the United States, or in any department or officer thereof."

Section IX.—Powers Denied to the United States.

1. "The migration or importation of such persons, as any of the States, now existing, shall think proper to admit, shall not be prohibited by the Congress, prior to the year one thousand eight hundred and eight; but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person."

2. "The privilege of the writ of *habeas corpus* shall not be suspended unless when, in cases of rebellion or invasion, the public safety may require it."

3. "No bill of attainder, or *ex post facto* law, shall be passed."

4. "No capitation or other direct tax shall be laid, unless in proportion to the *census* or enumeration, herein before directed to be taken."

5. "No tax or duty shall be laid on articles exported from any State."

6. "No preference shall be given by any regulation of commerce or revenue, to the ports of one State over those of another; nor shall vessels bound to, or from, one State, be obliged to enter, clear, or pay duties, in another."

7. "No money shall be drawn from the treasury, but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published, from time to time."

8. "No title of nobility shall be granted by the United States: and no person, holding any office of profit or trust under them, shall, without the consent of the Congress, accept of any present, emolument, office, or title, of any kind whatever, from any king, prince, or foreign state."

Section X.—Powers Denied to the States.

1. "No State shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make anything but gold and silver coin a tender in payment of debts, pass any bill of attainder, *ex post facto* law, or law impairing the obligation of contracts, or grant any title of nobility."

2. "No State shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and imposts, laid by any State on imports or exports, shall be for the use of the treasury of the United States; and all such laws shall be subject to the revision and control of the Congress."

3. "No State shall, without the consent of Congress, lay any duty of tonnage, keep troops, or ships of war, in time of peace, enter into any agreement or compact with another State, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay."

ARTICLE II.

THE EXECUTIVE DEPARTMENT.

Section I.—President and Vice-President.

1. "The Executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and together with the Vice-President, chosen for the same term, be elected as follows:"

2. "Each State shall appoint, in such manner as the Legislature thereof may direct, a number of Electors, equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress: but no Senator or Representative, or person holding an office of

trust or profit under the United States, shall be appointed an Elector."

3.* "The Electors shall meet in their respective States, and vote by ballot for two persons, of whom one, at least, shall not be an inhabitant of the same State with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each; which list they sign and certify, and transmit, sealed, to the seat of the Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be the President, if such number be a majority of the whole number of Electors appointed; and if there be more than one who have such a majority, and have an equal number

* This clause has been amended and superseded by the Twelfth Amendment to the Constitution. By the provisions of the original clause the person in the electoral college having the greatest number of votes (provided he had a majority of the whole number of electors appointed) became President, and the person having the next greatest number of votes became Vice-President, thus giving the Presidency to one political party and the Vice-Presidency to another. In the year 1800 the Democratic Republicans determined to elect Thomas Jefferson President and Aaron Burr Vice-President. The result was that each secured an equal number of votes, and neither was elected. The Constitution then, as now, provided that in case the electoral college failed to elect a President, the House of Representatives, voting as States, should elect. The Federalists distrusted and disliked Jefferson; the Democratic Republicans and some of the Federalists distrusted and disliked Burr. The vote in the House on the thirty-sixth ballot gave the Presidency to Jefferson and the Vice-Presidency to Burr. In order to prevent a repetition of so dangerous a struggle, the Twelfth Amendment, by which the electoral votes are cast separately for the candidates for President and for Vice-President, was proposed by Congress Dec. 12, 1803, and declared in force Sept. 25, 1804. Since that time the electoral college has been constituted as at present, with an odd number of votes, and a tie vote in the college is impossible.

of votes, then the House of Representatives shall immediately choose, by ballot, one of them for President; and if no person have a majority, then, from the five highest on the list, the said House shall, in like manner, choose the President. But in choosing the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. In every case, after the choice of the President, the person having the greatest number of votes of the Electors shall be the Vice-President. But if there should remain two or more who have equal votes, the Senate shall choose from them, by ballot, the Vice-President."

4. "The Congress may determine the time of choosing the Electors, and the day on which they shall give their votes; which day shall be the same throughout the United States."

5. "No person, except a natural-born citizen, or a citizen of the United States at the time of the adoption of this Constitution, shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States."

6. "In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice-President, and the Congress may by law provide for the case of removal, death, resignation, or inability both of the President and Vice-President, declaring what officer shall then act as President, and such officer shall act accordingly, until the disability be removed, or a President shall be elected."

7. "The President shall, at stated times, receive for his services, a compensation, which shall neither be increased *nor diminished* during the period for which he shall have

been elected, and he shall not receive within that period, any other emolument from the United States, or any of them."

8. "Before he enter on the execution of his office, he shall take the following oath or affirmation: 'I do solemnly swear (or affirm), that I will faithfully execute the office of President of the United States, and will, to the best of my ability, preserve, protect, and defend the Constitution of the United States.'"

Section II.—Powers of the President.

1. "The President shall be commander-in-chief of the army and navy of the United States, and of the militia of the several States, when called into the actual service of the United States; he may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices, and he shall have power to grant reprieves and pardons for offences against the United States, except in cases of impeachment."

2. "He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur; and he shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers, and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law: but the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of Departments."

3. "The President shall have power to fill up all vacancies that may happen, during the recess of the Senate, by granting commissions, which shall expire at the end of their next session."

Section III.—Duties of the President.

“He shall, from time to time, give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both Houses, or either of them, and in case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully executed, and shall commission all the officers of the United States.”

Section IV.—Impeachment of the President.

“The President, Vice-President, and all civil officers of the United States, shall be removed from office, on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors.”

ARTICE III.**JUDICIAL DEPARTMENT.****Section I.—United States Courts.**

“The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may, from time to time, ordain and establish. The judges, both of the Supreme and inferior courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services a compensation, which shall not be diminished during their continuance in office.”

Section II.—Jurisdiction of the United States Courts.

1. “The Judicial power shall extend to all cases, in law *and equity*, arising under this Constitution, the laws of the

United States, and treaties made, or which shall be made, under their authority; to all cases affecting ambassadors, other public ministers, and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more States, between a State and citizens of another State, between citizens of different States, between citizens of the same State, claiming lands under grants of different States, and between a State, or the citizens thereof, and foreign States, citizens, or subjects."

2. "In all cases affecting ambassadors, other public ministers, and consuls, and those in which a State shall be a party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations, as the Congress shall make."

3. "The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the State where the said crimes shall have been committed; but when not committed within any State, the trial shall be at such place, or places, as the Congress may by law have directed."

Section III.—Treason.

1. "Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason, unless on the testimony of two witnesses to the same overt act, or on confession in open court."

2. "The Congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood, or forfeiture, except during the life of the person attainted."

ARTICLE IV.

Section I.—State Records.

“Full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of every other State. And the Congress may, by general laws, prescribe the manner in which such acts, records, and proceedings shall be proved and the effect thereof.”

Section II.—Privileges of Citizens.

1. “The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.”

2. “A person charged in any State with treason, felony, or other crime, who shall flee from justice, and be found in another State, shall, on demand of the executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime.”

3. “No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.”

Section III.—New States and Territories.

1. “New States may be admitted by the Congress into this Union; but no new State shall be formed, or erected, within the jurisdiction of any other State; nor any State be formed, by the junction of two or more States, or parts of States, without the consent of the legislatures of the States concerned, as well as of the Congress.”

2. “The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory, or other property, belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular State.”

Section IV.—Guarantee to the States.

“ The United States shall guaranty to every State in this Union a republican form of government, and shall protect each of them against invasion ; and, on application of the legislature, or of the executive (when the legislature cannot be convened), against domestic violence.”

ARTICLE V.

POWER OF AMENDMENT.

“ The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the legislatures of two-thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the legislatures of three-fourths of the several States, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress ; Provided, that no amendment, which may be made prior to the year one thousand eight hundred and eight, shall, in any manner, affect the first and fourth clauses in the ninth section of the first article ; and that no State, without its consent, shall be deprived of its equal suffrage in the Senate.”

ARTICLE VI.

PUBLIC DEBT, SUPREMACY OF THE CONSTITUTION, OATH OF OFFICE, RELIGIOUS TEST.

1. “ All debts contracted, and engagements entered into, before the adoption of this Constitution, shall be as valid against the United States, under this Constitution, as under the Confederation.”

2. "This Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land ; and the judges in every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding."

3. "The Senators and Representatives before mentioned, and the members of the several State legislatures, and all executive and judicial officers, both of the United States, and of the several States, shall be bound, by oath or affirmation, to support this Constitution ; but no religious test shall ever be required as a qualification to any office or public trust under the United States."

ARTICLE VII.

RATIFICATION OF THE CONSTITUTION.

"The ratification of the Conventions of nine States shall be sufficient for the establishment of this Constitution between the States so ratifying the same."

Done in convention by the unanimous consent of the States present, the seventeenth day of September, in the year of our Lord, one thousand seven hundred and eighty-seven, and of the Independence of the United States of America the twelfth.

AMENDMENTS TO THE CONSTITUTION.

ARTICLES IN ADDITION TO, AND AMENDMENT OF, THE CONSTITUTION OF THE UNITED STATES OF AMERICA,*

Proposed by Congress and ratified by the Legislatures of the several States, pursuant to the fifth article of the original Constitution.

Article I.—Freedom of Religion, etc.

“Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof, or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.”

Article II.—Right to Bear Arms.

“A well-regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed.”

Article III.—Quartering Soldiers on Citizens.

“No soldier shall, in time of peace, be quartered in any house, without the consent of the owner; nor, in time of war, but in a manner to be prescribed by law.”

* More than seven hundred amendments to the Constitution have been proposed since it was adopted. Several are usually proposed at each session of Congress.

The first twelve articles of amendment to the Federal Constitution were adopted so soon after the original organization of the Government under it in 1789 as to justify the statement that they were practically contemporaneous with the adoption of the original (JUSTICE MILLER, *U. S. Supreme Court*).

Article IV.—Search-Warrants.

“The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated; and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.”

Article V.—Trial for Crime, etc.

“No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service, in time of war, or public danger; nor shall any person be subject, for the same offence, to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case, to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.”

Article VI.—Rights of Accused Persons.

“In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; and to have the assistance of counsel for his defence.”

Article VII.—Suits at Common Law.

“In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved; and no fact, tried by a jury, shall be

otherwise re-examined in any court of the United States, than according to the rules of the common law."

Article VIII.—Excessive Bail.

" Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted."

Article IX.—Rights Retained by the People.

" The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people."

Article X.—Reserved Powers of the States.

" The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

Article XI.

" The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another State, or by citizens or subjects of any foreign State."*

Article XII.—Mode of Choosing the President and Vice-President.

1. "The Electors shall meet in their respective States, and vote by ballot for President and Vice-President, one

* In the case of *Chisholm vs. The State of Georgia*, the Supreme Court decided that under Article III. § 2 of the Constitution a private citizen of a State might bring suit against a State other than the one of which he was a citizen. This decision, by which a State might be brought as defendant before the bar of a Federal court, was highly displeasing to the majority of the States in 1794. On the 5th of March of that year the Eleventh Amendment was passed by two-thirds of both houses of Congress, and declared in force January 8, 1798. Practically, the amendment has been the authority for the repudiation of debts by several States.

of whom, at least, shall not be an inhabitant of the same State with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President; and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which lists they shall sign, and certify, and transmit, sealed, to the seat of government of the United States, directed to the President of the Senate; the President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted; the person having the greatest number of votes for President shall be the President, if such number be a majority of the whole number of Electors appointed; and if no person have such majority, then, from the persons having the highest numbers, not exceeding three, on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a President, whenever the right to choose shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, and in case of the death, or other constitutional disability, of the President."

2. "The person having the greatest number of votes as Vice-President shall be the Vice-President, if such number be a majority of the whole number of Electors appointed; and if no person have a majority, then, from the two highest numbers on the list, the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two-thirds of the whole number of Sen-

ators ; a majority of the whole number shall be necessary to a choice."

3. "But no person constitutionally ineligible to the office of President, shall be eligible to that of Vice-President of the United States."

Article XIII.—Abolition of Slavery.

1. "Neither slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall exist within the United States or any place subject to their jurisdiction."

2. "Congress shall have power to enforce this article by appropriate legislation."

Article XIV.—Right of Citizenship, etc.

1. "All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States ; nor shall any State deprive any person of life, liberty, or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws."

2. "Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of Electors for President and Vice-President of the United States, Representatives in Congress, the executive and judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion or other crime, the basis of representation therein shall be reduced in the pro-

portion which the number of such male citizens shall bear to the whole number of male citizens, twenty-one years of age, in such State."

3. "No person shall be a Senator or Representative in Congress, or Elector of President and Vice-President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath as a member of Congress, or as an officer of the United States, or as a member of any State Legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may, by a vote of two-thirds of each House, remove such disability."

4. "The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave, but all such debts, obligations, and claims shall be held illegal and void."

5. "The Congress shall have power to enforce, by appropriate legislation, the provisions of this article."

Article XV.—Right of Suffrage.

1. "The right of citizens of the United States to vote shall not be denied or abridged by the United States, or by any State, on account of race, color, or previous condition of servitude."

2. "The Congress shall have power to enforce this article by appropriate legislation."

APPENDIX.

STATES AND TERRITORIES.	REPRESENTA- TIVES IN CONGRESS.	POPULATION, CENSUS 1880.	AREA, SQUARE MILES.
Alabama...	9	1,513,017	52,250
Alaska Territory .....	...	.....	577,390
Arizona Territory	* 1	59,620	113,020
Arkansas.....	6	1,128,179	53,850
California...	7	1,208,130	158,360
Colorado...	2	412,198	103,925
Connecticut.....	4	746,258	4,990
Delaware.....	1	168,493	2,050
District of Columbia.....	...	230,392	70
Florida.....	2	391,422	58,680
Georgia.....	11	1,837,353	59,475
Idaho.....	1	84,385	84,800
Illinois.....	22	3,826,351	56,650
Indiana...	13	2,192,404	36,350
Indian Territory .....	...	.....	31,400
Iowa.....	11	1,911,896	56,025
Kansas.....	8	1,427,096	82,080
Kentucky.....	11	1,858,635	40,400
Louisiana...	6	1,118,587	48,720
Maine.....	4	661,086	33,040
Maryland.....	6	1,042,390	12,210
Massachusetts.....	13	2,238,943	8,315
Michigan.....	12	2,093,889	58,915
Minnesota.....	7	1,301,826	83,365
Mississippi.....	7	1,289,600	46,810
Missouri.....	15	2,679,184	69,415
Montana.....	1	132,159	146,080
Nebraska.....	6	1,058,910	77,510
Nevada.....	1	45,761	110,700
New Hampshire..	2	376,530	9,305
New Jersey.....	8	1,444,933	7,815
New Mexico Territory	* 1	153,593	122,580
New York.....	34	5,997,853	49,170
North Carolina.....	9	1,617,947	52,250
North Dakota.....	1	182,719	70,795
Ohio.....	21	3,672,316	41,060
Oklahoma Territory.....	* 1	61,834	39,030
Oregon.....	2	313,767	96,030
Pennsylvania.....	30	5,258,014	45,215
Rhode Island.....	2	345,506	1,250
South Carolina..	7	1,151,149	30,570
South Dakota..	2	328,808	77,650
Tennessee.....	10	1,767,518	42,050
Texas.....	13	2,235,523	265,780
Utah Territory..	* 1	207,905	84,970
Vermont.....	2	332,422	9,565
Virginia.....	10	1,655,980	42,450
Washington.....	2	349,390	69,180
West Virginia.....	4	762,794	24,780
Wisconsin.....	10	1,686,880	56,040
Wyoming.....	1	60,705	97,890

* Delegate.

Table of the Presidents.

No.	PRESIDENT.	STATE.	TERM OF OFFICE.	VICE-PRESIDENT.	SECRETARY OF STATE.
1	George Washington.....	Virginia.....	Two terms; 1789-1797.....	John Adams.....	Thomas Jefferson. Edmund Randolph. Timothy Pickering.
2	John Adams.....	Massachusetts.....	One term; 1797-1801.....	Thomas Jefferson.	Timothy Pickering. John Marshall.
3	Thomas Jefferson.....	Virginia.....	Two terms; 1801-1809.....	Aaron Burr..... George Clinton.....	James Madison.
4	James Madison.....	Virginia.....	Two terms; 1809-1817.....	Elbridge Gerry..... Dan'l D. Tompkins..	Robert Smith. James Monroe.
5	James Monroe.....	Virginia.....	Two terms; 1817-1825.....	John C. Calhoun.....	John Quincy Adams. Henry Clay.
6	John Quincy Adams...	Massachusetts.....	One term; 1825-1829.....	John C. Calhoun.....	Martin Van Buren. Edward Livingston.
7	Andrew Jackson.....	Tennessee.....	Two terms; 1829-1837.....	John C. Calhoun .. Martin Van Buren.	Louis McLane. John Forsyth.
8	Martin Van Buren.....	New York.....	One term; 1837-1841.....	Rich'd M. Johnson...	John Forsyth.
9	William H. Harrison...	Ohio.....	One month; 1841.....	John Tyler.....	Daniel Webster.
10	John Tyler.....	Virginia.....	3 yrs. and 11 mos.; 1841-1845.	.....	Hugh S. Legare. Abel P. Upshur.
11	James K. Polk.....	Tennessee.....	One term; 1845-1849.....	George M. Dallas.....	John C. Calhoun. James Buchanan.

13	Millard Fillmore.....	New York.....	2 yrs. and 6 mos.; 1850-1853.	.....	.....	John M. Clayton. Daniel Webster. Edward Everett. William L. Marcy. Lewis Cass. Jeremiah S. Black. William H. Seward.
14	Franklin Pierce.....	New Hampshire.	One term; 1853-1857 .....	.....	.....	William B. King.....
15	James Buchanan.....	Pennsylvania...	One term 1857-1861.....	.....	.....	J. C. Breckinridge. {
16	Abraham Lincoln.....	Illinois	1 term and 1 mo.; 1861-65. {	.....	.....	Hannibal Hamlin } Andrew Johnson.. }
17	Andrew Johnson.....	Tennessee	3 yrs. and 11 mos.; 1865-1869.	.....	.....	William H. Seward. Elihu B. Washburne. Hamilton Fish.
18	Ulysses S. Grant.....	Illinois	Two terms; 1869-1877.....	.....	.....	Schuyler Colfax.... Henry Wilson..... Wm. A. Wheeler.... Chester A. Arthur... Thos. A. Hendricks..
19	Rutherford B. Hayes.....	Ohio	One term; 1877-1881.....	.....	.....	James G. Blaine. F. T. Frelinghuysen. Thomas F. Bayard. James G. Blaine. John W. Foster. Walter Q. Gresham.
20	James A. Garfield.....	Ohio	6 months and 15 days; 1881.	.....	.....	.....
21	Chester A. Arthur.....	New York.....	3 yrs. 5 mos. 15 das.; 1881-85.	.....	.....	.....
22	Grover Cleveland.....	New York.....	One term; 1885-1889.....	.....	.....	.....
23	Benjamin Harrison.....	Indiana.....	One term; 1889-1893 .....	.....	.....	.....
24	Grover Cleveland.....	New York.....	1893.....	.....	.....	.....

THE AUSTRALIAN BALLOT SYSTEM.

MANY States, in order to secure ballot reform, have introduced the Australian ballot system. The reforms sought are to remove the causes and to overcome the effects of intimidation, bribery and repeating at the polls. The ballots are printed and distributed by the authority of the State and at the public expense. The room in which the election is held is divided into two parts by a railing. In one part of the room are located the election officers with the ballot-box; in the other part are arranged a number of closets called voting-booths or stalls. When an elector enters the room he gives his name and address to the officers; if his name is found on the assessor's list, he is admitted within the railing and handed an official ballot. The ballot contains the names of all the candidates of the different parties in separate columns; the elector retires to a voting-booth and in private prepares his ballot. If he desires to vote what is called "a straight ticket"—that is, to vote for every candidate of his political party—he marks a cross (X) within a circle which is printed above the column containing the names of all the candidates of his party. If he desires to vote for but a part of the ticket, he makes a cross (X) opposite the names of the candidates for whom he wishes to vote, or he may write in blank spaces left for the purpose the names of candidates of his own choice. He must fold his ballot so that no one can see how he has marked it, give it to the election officer having charge of the ballot-box, who numbers it and fastens down securely with adhesive paste the part marked with the number, so that it cannot be seen without cutting the ballot open, and deposits it in the ballot-box. The object of all this detail is to secure secrecy and to prevent fraud in conducting the election.

Some variations in the minor details of the system are to be found, but the general features are the same in all the States in which it has been adopted. The essential part of the system is that the entire machinery of election is put into the hands of the State, instead of being left, as heretofore, to the promiscuous methods of political parties.*

*“The Australian system of voting would be an immense power in clipping the wings and suppressing the evils of political bossism. Upward of eighty-five million people conduct their elections in accordance with its provisions, so that it is neither an untested experiment nor a questionable expedient. Wherever a free and accurate expression of opinion is desired it finds a home, so that it cannot be justly claimed as the method of any one country or people.

“The cardinal features of the Australian system are compulsory secrecy of voting, uniform official ballots containing the names of all candidates printed under State or municipal authority, and official equality of nominations when made either by a party convention or by a paper signed by a given number of voters; under this system all qualified voters have equal facilities for voting and all candidates have equal facilities for receiving votes.

“The Australian system has produced effects far wider than the mere achievement of a single reform. It offers not only free and pure elections, but free nominations. It offers a method of nomination that is free to all, and it emancipates us from the rule of the political bosses. There is abundant testimony that it is the best, the most rapid and the most facile mode of obtaining the unbiased wish of voters. It secures tranquillity, purity and freedom of choice. For all these reasons I heartily favor it.”—GOV. ROBT. E. PATRISON.

QUESTIONS

DEVELOPING THE GOVERNMENT OF THE STATE, COUNTY, TOWNSHIP, TOWN OR PARISH, AND CITY.*



WHAT is a State?

What are the civil divisions of a State?

What is a constitution?

When was the constitution now in operation in this State adopted?

How can the constitution of this State be amended? Has it ever been amended?

Does the constitution of this State contain a bill of rights?

What is an elector?

What is the difference between an elector and a citizen?

What are the qualifications of an elector in this State?

Are the local officers, State officers and Federal officers elected on the same or on different days? Why?

Who is the highest executive officer of this State? When is he elected? For how long a term? What are his qualifications? State some of his duties. What is his salary?

Has this State a lieutenant-governor? What are his qualifications? When is he elected? For how long a term? His duties? His salary?

What are the other executive officers of this State? How is each chosen? State some of the duties of each.

Name some of the administrative officers of this State.

What is the name of the legislative body that makes the laws of this

* These questions are suggestive only, and are to be modified or extended at the discretion of the teacher, so as to develop the methods and harmonize the variations and peculiarities in the forms of local government. A copy of the State constitution should always be used in studying the government of a State.

State? How many branches has it? What are their names? What is the term of service in each? When does this body meet? Where? How often?

How many State senatorial districts are there in this State?

In which State senatorial district do you reside?

Who is the State senator from this district? What are his qualifications? His term of service? His salary?

How many representative or assembly districts are there in this State? In which representative district do you reside?

Who is the State representative from this district? What are his qualifications? His term of service? His salary?

How many congressional districts are there in this State?

How many representatives has this State in Congress?

In which congressional district do you reside?

By what authority is the State divided into congressional districts?

Who represents this congressional district in Congress?

What are the qualifications of a representative? How is he chosen? For how long a term of service? What is his salary?

How many United States senators has each State?

By whom are they chosen? For how long a term of service?

What are the qualifications of a United States senator? What is his salary?

What are the names of the different State courts in this State?

Which is the highest State court in this State? What are the titles of its judges? How are they chosen? What is their term of office?

Is this State divided into State judicial districts?

In which State judicial district do you reside?

In which United States circuit court district is this State located?

Where does the United States circuit court for this State meet?

What justice of the United States Supreme Court presides in this circuit?

How many United States district courts are there in this State?

Who is the resident United States district judge?

When does the United States district court meet? Where?

How are the judges of the United States courts chosen?

What other officers besides the judges are connected with the United States courts? What are their duties? How are they chosen?

What are the names of the different county courts in this county?

In what courts are civil cases tried? Criminal cases?

In what courts are estates of deceased persons adjudicated?

What is the tenure of office of the county judges?

How are the judges chosen in this county?

What is the salary of the judges in this county?

Where do the courts of this county meet?

Who is the present county attorney? How is he chosen? What is his term of service? What are his duties? His salary?

Who is the sheriff of this county? How is he chosen? What is his term of service? His salary? What are his duties?

What are the other officers of this county? What are their duties?

What are the civil divisions of this county? What is the title of the judicial officer in this township, town or parish? Of the executive officers? Of the legislative officers? Of the administrative officers? What are the duties of each? Which of these officers are required to give a bond for the faithful performance of their duties? Explain the nature and operation of a bond.

What is the title of the chief executive officer of a city? How is he chosen? What are his duties? His term of office?

Name the other executive and administrative officers of a city. How are they chosen? What are their duties? Their terms of office?

What is the title of the chief legislative body of a city? Of how many branches is it composed?

What are the principal duties of the legislative department of a city?

How are the members of the legislative department of a city chosen? Are they paid a salary for their services?

What judicial officers are there in a city other than the county judges of the county in which the city is located? What are the duties of these officers? How are they chosen? How are they paid for their services?

PROBLEMS IN CIVIL GOVERNMENT.

If the regular candidate of the political party to which you belong were a person inferior in ability, morally and intellectually, to the candidate of the opposing party, which candidate would you vote for, and for what reason?

A certain town wishes to construct waterworks, but it has no money for that purpose. In what two ways may it legally proceed to obtain the required funds? Which do you think would be the better?

At a certain local election there was reason to believe that more votes were cast than there were lawful electors in the district. By what process would the facts in the case be ascertained, and how would the case be settled beyond further dispute?

If an elector own land in several States, can he vote in them all? *What facts determine his legal residence?*

Can a member of Congress at the same time hold a State office, according to the Constitution of the United States? What is the reason for this? According to the Constitution of the State in which you live? Is the reason the same?

A politician described the civil service as "a system by which it is hard to get into an office and easy to get out of it;" he further said that he believed in a civil service "that makes it easy to get into an office, but hard to get a man out of the office." Do you think that he touched on any principle of popular government that could be made to work in practice? What principle?

Do you think that the government of the people of the United States would be a more perfect government if there was only one political party in the country? If not, for what reason?

In the assessment of real property the owner may complain that he is assessed too high; has he any means of getting the assessment changed? If he cannot get it changed, is he justified in refusing to pay his taxes? Why?

In the older States many State officers are appointed by the governor by and with the consent of the Senate; in the newer States nearly all State officers are elected by the people. How do you explain this remarkable difference in the civil government of the States? Which do you favor? Why?

In one of the States in the Union which requires by its Constitution that every person before he can vote must be able to read a section of the State Constitution, an illiterate man was taught to repeat a section from memory, and when his vote was challenged he (apparently) read the section, it having been pointed out to him by the person who had taught it to him. Was his vote illegal? Was he guilty of breaking the spirit of the law? Should he be punished?

Are all citizens of the United States electors? Is there a difference between the meanings of the words "electors," "inhabitants," "residents" and "citizens"? Which of these constitute "the sovereign people of the United States"?

What principles of our government are illustrated in the following: An election. The inauguration of the President. The levy of a tax. The impeachment of a State officer. A jury trial. The support of public schools by taxation. The improvement of rivers and harbors by and at the expense of the National Government. The privileges of a member of the State or of the National legislature. The existence of a United States Supreme Court.

QUESTIONS FOR DEBATE.

Should the President be elected by popular vote?

Which affords the more privileges for its citizens—a republic like the United States, or a monarchy like England?

Can a State repudiate its debts?

Is "rotation in office" conducive to the most desirable results in a government like our own?

Would the government of the people of the United States be more conducive to their welfare if State legislatures were abolished and all laws were made by Congress?

Should the National Banking System be abolished?

Would the "general welfare" of the United States be promoted by an amendment to the Constitution requiring every elector to be able to read and write?

Which have had the wider influence in this country—the opinions of Thomas Jefferson or those of Alexander Hamilton?

Would Congress be justified at any time in appropriating the surplus in the national treasury to the payment of the debts of the States?

Are American politics growing better?

Is the Government of the United States to-day essentially the same as it was when Washington was President?

Has the Government of the United States the constitutional right to become the owner of the railroad and telegraph lines of the country?

Would the general welfare of the people of the United States be promoted if the National Government should become the owner of the railroad and telegraph lines?

Does man's capability for enjoying life increase with the advance of civilization?

Would the union of the United States and Canada promote the welfare of the people of these two countries?

Does the government of the people of the United States possess the power of indefinite self-perpetuation?

Is the present form of government in the United States the best form possible at the present time?

Upon which does the welfare and the perpetuity of popular government in this country the more depend—upon national legislation or upon State legislation?

Would the Government of the United States be justified in buying Cuba, rather than have that island pass into the possession of any other power than Spain?



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6

THE

GOVERNMENT OF THE PEOPLE

OF THE STATE OF

PENNSYLVANIA.

BY

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REVISED EDITION, COPYRIGHT, 1894.

PHILADELPHIA:
ELDREDGE & BROTHER,
No. 17 North Seventh Street.
1894.



COAT OF ARMS OF THE STATE OF PENNSYLVANIA.



SPECIAL legislation enacted by the General Assembly of this State has resulted in variations in the organization and administration of local government. These variations will be found in the methods of assessing and collecting taxes, in the number and duties of the clerks of the courts, in the method of road-supervision, in the matter of salaries and fees of officials and in various other matters of local government. It has not been deemed necessary nor even desirable to attempt to explain and to reconcile these minor differences; they can be best examined and considered in the localities in which they occur. Under the present Constitution of the State special legislation—that is, legislation affecting only certain interests or localities—is forbidden.

The advantage of referring directly to the Constitution for any information which is therein expressly stated, and thus to study the Constitution itself, rather than to study about it, cannot be too strongly urged. There is a reality and a freshness in information so gained that is attainable in no other way.

The author desires to express his obligations to teachers throughout the State for the generous welcome accorded to the original edition of this work and for kind suggestions which have enabled him materially to improve and to strengthen the book.

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WILLIAM PENN.

PENNSYLVANIA.



CHAPTER I.

THE CIVIL GOVERNMENT OF PENNSYLVANIA IN HISTORY.

1. THE Commonwealth of Pennsylvania was founded by William Penn, under a charter granted him by King Charles II., March 4, 1681. Penn was born in 1644, in London, and, while a student at Oxford University, joined the Society of Friends. The Friends were among the English emigrants to America during the last half of the *seventeenth century*.

6 THE CIVIL GOVERNMENT OF PENNSYLVANIA.

2. The Friends were not welcome in New England, on account of their religious opinions. They did not like New York because of "the worldly character of its inhabitants." They disapproved of slavery, hence they did not like Virginia and the Carolinas. Therefore they came to New Jersey, and in the years 1675 to 1680 they founded Burlington and some of the adjoining towns.

3. New Jersey was settled under the fostering care of trustees some of whom were Friends, and among whom was William Penn. His relations with friendly settlements in New Jersey led him to think of founding a province based on friendly and just principles.

4. Penn's influence with King Charles II. was sufficient to induce that careless monarch to give to Penn the region of country now known as Pennsylvania.* King Charles gave away parts of America to his favorites with a lavish hand, and, as he was not particular about boundaries, his grants were the cause of many disputes long after his death, when the States attempted to fix their boundaries. The deed from King Charles to William Penn specifies

"A tract of land in America lying north of Maryland, on the east bounded by the Delaware River, on the west limited as Maryland is, and northward to extend as far as plantable."

5. The grant of this land to Penn was not one of mere favoritism; the English Crown was indebted to the Penn family to the amount of £16,000—about \$80,000 at the present time—which Penn's father, Sir William Penn, a distinguished British admiral, had years before advanced to the British Government. The admiral, moreover, had performed great services meriting recognition.

6. Penn's request to King Charles for a grant of land in America as full payment of the debt enabled the king to

* The original area was increased in 1786 by the purchase of the "Triangle," Erie county, from the government of the United States.

THE CIVIL GOVERNMENT OF PENNSYLVANIA. 7

pay it very easily. By English law, the land asked for belonged to the Crown by right of Cabot's discoveries nearly two hundred years before.

7. On the 4th of March, 1681, the king signed a charter by which "Pennsylvania" was given to William Penn and his heirs for ever on the condition that the head of the Penn family should pay tribute for it:

"Yeelding and paying therefore to vs, our heires and Successors, two beaver Skins to bee delivered att our said Castle of Windfor, on the first day of Januarie, in every yeare; and also the fifth parte of all Gold and Silver Oare, which shall from time to time happen to be found within the Limitts afore-said, cleare of all Charges." *

8. Penn had already thought out a "Frame of Government." One of his friends and neighbors was the celebrated Algernon Sidney, a friend of mankind and a defender of the ideas of free government. Sidney influenced and aided Penn in making his plan of government so broad and liberal in character that its essential features remain to this day. Because of his liberal ideas Sidney was soon after put to death on the charge of treason; he was convicted because he had written out his thoughts on free government. The manuscript was declared to be his, and he was condemned and executed, although the manuscript had never been published.

9. Penn brought Sidney's liberal ideas to America. He landed at Upland, now called Chester, October 27, 1682, and at once issued orders for a general election to occur November 20. On December 4, he held his first assembly. Penn never forgot his friend Sidney. He spoke as Sidney would have spoken when, in writing to the people of Pennsylvania, he told them that they should have law-

* The original charter may still be seen at Harrisburg, and the *State has published a full-sized fac-simile of it.*

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makers of their own choosing and laws of their own making. He said, "I will put the power with the people"—a great idea in government—an idea made immortal by Abraham Lincoln in his speech at Gettysburg describing government as "government of the people, by the people and for the people."

10. This first Pennsylvania Assembly at Chester in 1682 enacted "The Great Law or Body of Laws of the Province of Pennsylvania," consisting of sixty-six laws, which, with slight modification in two hundred years, are the laws of the Commonwealth to this day. By his charter Penn was made lord proprietor of his province. He had almost kingly power; but, faithful to his ideas of government, he provided for a House of Assembly, for courts of law, for justices' courts and for county offices all of which are in existence at the present day.

11. Penn himself was governor, and he sought assistance by creating a council of state, which, with the governor or his deputy, comprised an upper house in the Assembly. He made provision for the comfort of the people of the province by laying out the city of Philadelphia and giving it a charter; so that Philadelphia is the oldest incorporated city in English-speaking America. He made the price of land low, encouraged industry and economy, made provision for schools and for a university, and then returned to England.

12. Penn's life was a benediction to mankind. He died in 1718. Montesquieu compares him to Lycurgus, saying that he overcame prejudices and "made peace his principal aim." He not only made Pennsylvania a home for the Friends, but a home for the persecuted of all nations. To Pennsylvania came Friends, Episcopalians, Scotch-Irish Presbyterians, and German Lutherans, and all were equally protected. In no other part of America was there so liberal and peaceful a spirit.

13. *The nationality of the people who made Pennsyl-*

vania their home is traceable in many of the counties of the Commonwealth. The Scotch-Irish settled in the western part of the State; the Friends settled in the south-eastern part of the State, in Delaware, Philadelphia, Chester and the adjoining counties; people of German ancestry settled the rich counties of the anthracite coal-region. More than two centuries have passed, and the descendants of these early settlers are still to be found in the same sections of the State that their ancestors occupied.

14. Penn gave the people of this province his "Frame of Government" April 25, 1682. In this he laid down some principles of government well worthy of our understanding and applicable to us at the present time:

"I know some say, 'Let us have good laws, and no matter about the men that execute them;' but let them consider that, though good laws do well, good men do better; for good laws may want good men, and be abolished or invaded by ill men; but good men will never want good laws nor suffer ill ones."

15. Penn said, further, that "the great end of all government" is "to support power in reverence with the people, and to secure the people from the abuse of power; that they may be free by their just obedience, and the magistrates honorable for their just administration; for liberty without obedience is confusion, and obedience without liberty is slavery. To carry this evenness is partly owing to the constitution, and partly to the magistracy (the public officials chosen by the people); where either of these fail, government will be subject to convulsions; but where both are wanting it must be totally subverted; then where both meet the government is like to endure. Which I humbly pray and hope God will please to make the lot of Pennsylvania."

16. Penn's prayer has been answered. The principles of government which he advanced are the principles of *our government to-day*. He practised them faithfully.

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Although the king had given him the land and it was legally his property, yet Penn recognized the natural rights of the Indians who for ages had roamed over it. On the west bank of the Delaware, at Shackamaxon, now called Kensington, a part of Philadelphia, under the spreading arms of an ancient tree, Penn met the chiefs of the Indian tribes who lived on his domain, and entered into a solemn treaty of friendship with them. "We are one flesh and blood, brothers," said Penn to the Indians, to whom no Englishman had ever uttered such words; and a great chief replied, "We will live in love as long as the sun and moon shine; we will ever live in peace, Onas;" and by that name Penn was always known to the Indians. The promise was never signed and never broken. Penn bought the land of the Indians, paying them in such things as they desired, and they took freely of blankets, axes, kettles, knives, beads and looking-glasses, for these things had great value in their eyes.

17. The deputy governors whom the Penn family sent to rule Pennsylvania were not inspired with the principles of the great founder of the province. They valued Pennsylvania only as a producer of wealth for their benefit. For many years there was a contest between the General Assembly of the province and its governor. The dispute was mainly about rents, taxes, the governor's salary and the governor's power to veto the acts of Assembly.

18. Dr. Franklin, speaking of the veto power of the proprietary governor of Pennsylvania—and he might have said it of other colonial governors not elected by the people—said: "The negative of the governor was constantly made use of to extort money. No law whatever could be passed without a private bargain with him. An increase of his salary or some donation was always made a condition; till at last it became a regular practice to have orders in his favor on the treasury presented along *with the bills* to be signed, so that he might actually

receive the former before he should sign the latter. When the Indians were scalping the Western people, the concurrence of the governor in the means of self-defence could not be got till it was agreed that his estate should be exempted from taxation; so that the people were to fight for the security of his property, whilst he was to bear no share of the burden."

19. In 1776 the colony of Pennsylvania became a State, and a convention of the people, Benjamin Franklin chairman, framed the first State constitution, which continued the civil institutions of colonial times, save that the governor was thenceforth elected by the people. The General Assembly treated the Penn family justly, and in 1779 granted to the heirs of Penn the sum of \$524,000 in full settlement of all disputes and claims of the family against the State of Pennsylvania.

20. By the constitution of 1776 the legislature consisted of one house only, the Assembly—a name long familiar to the people. It is interesting to note that to this day the laws of Pennsylvania are called "Acts of Assembly," and not statutes, as in some of the States. In 1789 a second constitution was framed, and ratified in the following year. This constitution provided for a legislature of two bodies and the usual tripartite government. A third constitution was ratified by the people in 1838, and a fourth, now in force, in 1873. In all these constitutions the ancient form of local government introduced by Penn has been maintained. The duties of our county and township officers and their official titles are to-day the same as they were more than two centuries ago.

21. The first seat of government of the State was in Philadelphia. In 1799 it was removed to Lancaster, where it remained for thirteen years. In 1812 it was removed to Harrisburg, the present seat of the State government.

22. The principal changes that have been made in the government of the State are in the creation of bureaus,

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commissions, boards and departments for promoting the general welfare of the people and protecting interests unknown in the early history of the State. These changes have been caused by the development of the interests of the State.

23. The Commonwealth of Pennsylvania has been a field fruitful of great events, rich in great men and conspicuous in the civil history of our country. It was in Philadelphia, September 5, 1774, that the first Continental Congress assembled and organized the Revolutionary Government, based its authority upon the people, and issued the famous Bill of Rights for America.

24. In 1775 the second Congress met in Philadelphia, on the 10th of May. It took into consideration the whole nation; it organized an army and navy; adopted a monetary system or Treasury Department; established a Post-office Department; and issued the Declaration of Independence. Benjamin Franklin was made Postmaster-General, and Robert Morris, another eminent Pennsylvanian, was chosen Financier of America.

25. In 1786, in Philadelphia, there assembled the most celebrated gathering of able men ever seen in America—the men who framed the Constitution of the United States.

“In that convention no other State could boast of such delegates as were sent by Pennsylvania. Foremost in fame was Franklin, who divided with Washington the admiration of the world. He was widely famed before many of his illustrious colleagues in the convention were born. In science, in diplomacy, in society, in letters, in practical business, in great public charities and in organizations of wide influence to this day, he was foremost; and of all the Americans in an age of great men, he is still more talked and written about than any save Washington. As president of his State he sat most influential in the delegation, *and, though too feeble by reason of age to participate*

STATE-HOUSE IN PHILADELPHIA, WHERE THE CONSTITUTIONAL CONVENTION MET.



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actively in the debates of the convention, by his presence and by his inexhaustible good humor and practical sagacity his influence was so great that it may be said that the Constitution could not have been framed without him."

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26. "Other influential Pennsylvanians in the convention of (1786) were Thomas Mifflin, member of Assembly, and nine years governor of his State; Robert Morris, the financier of the Revolution, delegate to Congress, a signer of the Declaration, first United States Senator from Pennsylvania, and founder of the Bank of North America; George Clymer, one of the signers, a delegate to Congress, and afterward a member of the House of Representatives; Thomas Fitzsimons, a famous merchant of Philadelphia; Jared Ingersoll, the leader of the bar of the State; James Wilson, a student at four universities, and the ablest constitutional lawyer in the convention; a frequent debater; afterward professor of law in the University of Pennsylvania, and appointed by Washington a justice of the Supreme Court of the United States; and Gouverneur Morris, delegate to Congress, later governor of New York, and afterward one of its United States Senators. Morris was chosen by the convention to write the Constitution in its final form, because his colleagues recognized the finish and elegance of his style."*

27. Pennsylvania, during the long Revolutionary struggle, was the scene of critical campaigns, of the suffering, hardships and sacrifices of patriots and of the varying fortunes of war. Valley Forge and Germantown and the valley of the Brandywine are historic spots. It was in Western Pennsylvania that the great struggle broke out between France and England for the possession of North America—a struggle which taught the colonies that they were capable of governing themselves. It was in Pennsylvania, at Gettysburg, that the world's greatest

* From Thorpe's *Story of the Constitution*.

battle for human freedom was fought in 1863—a battle whose mighty and beneficent effects have rewritten the meaning of that constitution of the nation first written in Pennsylvania three-quarters of a century before.

28. Pennsylvania has not been wanting in great men in all departments of public affairs. Among her great governors are Mifflin, McKean, Snyder, Hiester, Curtin, Geary, Hartranft. Among her great judges are Shippen, Tilghman, Gibson, Black and Sharswood.

29. In national affairs Pennsylvania has exercised a powerful influence. The first speaker of the House of Representatives, Frederick A. Muhlenberg, was from Pennsylvania. In Congress the State has always been ably represented, and among the ablest have been Albert Gallatin, later secretary of the treasury, John Covode, David S. Wilmot, Horace Binney, Jared Ingersoll, John Hickman, and Thaddeus Stevens, "the father of the public schools in Pennsylvania." Among the United States senators from Pennsylvania are Robert Morris, Albert Gallatin, George M. Dallas, James Buchanan and Simon Cameron. Of these, Buchanan became a president and Dallas a vice-president of the United States. This Commonwealth has furnished three secretaries of state; seven secretaries of treasury; six secretaries of war, among them Edwin M. Stanton; two secretaries of the navy; one secretary of the interior; three postmasters-general; seven attorneys-general; five justices of the supreme court; three presidents *pro tem* of the Senate; and four speakers of the House of Representatives.

30. In educational affairs Pennsylvania has always manifested a commendable interest. Common schools are established in every township throughout the State, and through the influence of the system of county superintendents, aided by intelligent and earnest teachers, they are constantly advancing in efficiency and usefulness. High schools are found in all the chief cities and

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boroughs. Thirteen State normal schools aid in training a body of professional teachers. Academies, seminaries and select schools are to be found in every part of the State. More than twenty colleges offer opportunities for advanced study. The University of Pennsylvania, first suggested by William Penn, and founded by Benjamin Franklin in 1740, is the fourth in order of time of the American universities.

31. Pennsylvania is known as the "Keystone State"—a name suggested not only by the geographical position of the Commonwealth among the original thirteen States, but, in a large sense, on account of the moderation and wisdom of the action of the State in public affairs—a position referred to in an old popular song of 1790:

"Still Pennsylvania holds the scales,
And neither South nor North prevails."

In whatsoever direction we pursue the history of Pennsylvania, we meet with great men and deal with great ideas. Her founder set the fashion of her history, and her founder was one of the world's great and good men.

32. What shall be the future of our Commonwealth? That future depends upon the men and women, the boys and the girls of to-day. It is they who make the State. "Virtue, liberty and independence" can be spoken only of an intelligent, high-minded, industrial and law-abiding people—a people who build their government upon the deep foundations of the home. Throughout the wide world there is no other land so full of opportunities as our own. We are free to make our institutions ideal in their perfection. But our civil institutions depend upon the citizen for their strength and character. He makes the government in township, county, State and nation. His interests are entrusted to public servants of his own choosing. Upon him fall both the responsibilities and the blessings of free government. At the fireside we hear the story of

Washington and of Lincoln ; in school we learn of the making of the States and of the nation ; we learn the nature of the State, its organization and its administration. We leave school and enter upon the active duties of life. Then our influence is for or against good government : we hinder or we promote the general welfare. Many years ago a child of five years became king of France. Until he was old enough to take upon himself the cares of his kingdom his guardians ruled in his name. On the day when he became of age his minister inquired of him, "Sire, to whom shall I now report?" "To me," replied the king ; "I am the state." And in this country, when a youth enters upon his manhood years, he may well say, "I am the state. Its interests, its honor, its history, are mine also." Popular government on a vast scale is for the first time on trial in this country. It is upon the individual citizens that its destiny depends. The work of good government is our work. "With malice toward none ; with charity for all ; with firmness in the right, as God gives us to see the right, let us strive on to finish the work we are in." And we may then confidently expect the blessings of Providence to rest upon the Commonwealth of Pennsylvania.



THE CAPITOL AT HARRISBURG.

THE SEAL OF THE STATE OF PENNSYLVANIA.



OBVERSE.



REVERSE.

CHAPTER II.

THE CIVIL GOVERNMENT OF PENNSYLVANIA AT
THE PRESENT TIME.



THE COMMONWEALTH.

33. The Citizen.—The Constitution of the United States provides that “all persons born or naturalized in the United States and subject to the jurisdiction thereof are citizens of the United States and of the State wherein they reside.” Hence all men, women and children born or naturalized in the United States and subject to the jurisdiction thereof, residing in the State of Pennsylvania, are citizens of both the United States and of the State of Pennsylvania. But all citizens are not electors. The elector is a citizen who has the right to vote. The Constitution of the State prescribes the qualifications of an elector. (*See Art. VIII. page 98.**)

* Reference is made to the Constitution to familiarize the student with the Constitution itself, and to lead him to seek for information at the fountain-head.

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34. The State Government.—The government of the Commonwealth of Pennsylvania is vested in three departments—the legislative, the executive and the judicial.

35. The Legislative Power of the Commonwealth is vested in a General Assembly consisting of a Senate and a House of Representatives. (*See Art. II. Sect. 1.*)

36. The General Assembly or Legislature meets at 12 o'clock noon on the first Tuesday in January of every second year (1893-95-97, etc.). It makes all the laws of the Commonwealth, but the laws it makes must not conflict with the Federal Constitution nor with that of the State, or they may be declared unconstitutional by the courts, and therefore null and void. These laws provide for the dealings of the citizens with each other, such as making contracts and partnerships, buying and selling lands, houses, goods and property of all kinds, making mortgages, deeds, promissory notes, checks, etc.; for the organization and government of corporations such as insurance, railroad, telegraph, telephone and manufacturing companies; for the prevention and punishment of crime; for the establishment and support of charitable and educational institutions; for establishing and regulating courts; for the government of counties, cities, boroughs, townships and school districts; for the method of procedure in courts; for the qualifications of electors; and for all other matters in which the citizens of the State may have any interest. It is the duty of the General Assembly to make such laws as will promote the general welfare of the people of the State. All the laws of the State are enacted "by the authority of the people of the State."

The State is divided by the General Assembly for election purposes into representative districts, State senatorial districts, congressional districts and judicial districts. The Assembly determines all matters connected with the taxation required to furnish the income for carrying on the government of the State. It elects two persons to represent

the people of the State in the Senate of the United States. Members of the General Assembly are paid a salary for their services; they are supplied with such stationery as they may need at the expense of the State; and they are allowed a sum of money called *mileage* to pay their traveling expenses in going to and returning from a session of the Assembly. (*See Art. II. Sect. 8.*)

37. The Senate consists of fifty senators, one for each senatorial district into which the State is divided. (*See Art. II. Sect. 16.*) The senator from each district is chosen by the electors of that district to serve for four years. The lieutenant-governor of the State is *ex-officio* president of the Senate. He is not a member of the Senate, and has no right to vote except when the vote of the Senate is equally divided. The Senate elects one of its own members president *pro tempore*, who appoints its committees unless the Senate orders otherwise, and who acts as president when the lieutenant-governor is absent. The Senate has the sole power to try impeachments and to confirm appointments made by the governor.

38. The House of Representatives consists of two hundred and four members, chosen to serve for two years by the electors in the different representative districts into which the State is divided. (*See Art. II. Sect. 17.*) Each district elects its own representatives. The House elects one of its members as presiding officer or speaker, who appoints all the committees unless the House otherwise orders. The House has the sole right to institute impeachments and to originate bills for raising revenue.*

39. How the Laws are Made.—The manner of making laws by the General Assembly is practically the same as in the Congress of the United States.

A law may originate in the form of a bill in either

* For the qualifications of senators and representatives see *Art. II. Sect. 5.*

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house (except a bill for raising revenue, which must originate in the House of Representatives).

The bill must be referred to a committee, returned therefrom and be printed for the use of the members.

It must be read in full in each house on three different days, and on its final passage it must, in each house, receive the assent of a majority of the whole number of members, voting by yeas and nays, and the name of each member voting, and the way he voted, must be entered on the journal of each house respectively. (*See Art. III. Sect. 4.*)

If the bill be changed or amended in any respect by the other house, it must be returned to the house in which it originated, and the amendments must be approved by a majority of all the members, voting by yeas and nays, and the name of each member voting, and the way he voted, must be entered on the journal. (*See Art. III. Sect. 5.*)

If agreed to by a majority of all the members of both houses, the bill is sent to the governor. If he approves it, he signs it and the bill becomes a law. If he does not approve it, he vetoes it—*i. e.* he returns it with his objections to the house in which it originated. If both houses re-pass the bill by a two-thirds vote of all the members, it becomes a law without the approval of the governor. If the governor fails either to sign or to return the bill within ten days from the time it was presented to him, it becomes a law, unless the Assembly, by adjourning, prevent its return, in which case it becomes a law unless the governor files the bill, with his objections to it, in the office of the secretary of the Commonwealth, and gives public notice of the same by proclamation within ~~ten~~^{ten} days after the adjournment of the General Assembly. (*See Art. IV. Sect. 15.*)

40. The Executive Department of the Commonwealth is vested by the constitution in the governor, lieutenant-governor, secretary of the Commonwealth, attorney-general, auditor-general, State treasurer, secretary of internal

affairs and superintendent of public instruction. (*See Art. IV. Sect. 1.*)

41. The Governor.—The supreme executive power of the State is vested in the governor. He is chosen by the electors of the State to serve one term of four years, and is not eligible to the office for the next succeeding term. His salary is \$10,000 per annum. It is his duty to inform the General Assembly of the condition of the State, to recommend to its consideration such measures as he may think necessary and expedient and to see that the laws are faithfully executed. He is the commander-in-chief of the militia of the State, except when it is called into the actual service of the United States. He has the power to appoint, subject to the consent of the Senate, a number of important officers; to fill vacancies that may occur in any office under certain restrictions (*see Art. IV. Sect. 8*); to remit fines; to grant reprieves; and, on the recommendation of the board of pardons (*see Art. IV. Sect. 9*), to grant commutations of sentence and pardons to persons convicted of crime, except in cases of impeachment; to veto bills that he does not approve; to disapprove of any item of a bill appropriating money, and approve of other items of the same bill; to call the Senate together to transact executive business only; to convene both houses on extraordinary occasions; and if at any time the two houses disagree as to adjournment, he can adjourn them for such time, not exceeding four months, as he shall think proper. All bills passed by the General Assembly that he approves, he signs, and they are then laws.*

* **The Private Secretary** of the governor has charge of the governor's official correspondence, and receives all applications for appointments, commissions, etc. He remains at the executive office for the transaction of such business as may not require the personal attention of the governor, and to notify him of such as may need his immediate action. *He is the secretary of the board of pardons.*

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42. The Lieutenant-Governor is chosen by the electors to serve one term of four years, and is not eligible to the office for the next succeeding term. He is *ex-officio* the president of the Senate. In case of the death, resignation, removal from office or disability of the governor, the powers, duties and emoluments of the office devolve upon the lieutenant-governor. In case of the death, resignation, removal from office or disability of the lieutenant-governor, the president *pro tempore* of the Senate becomes governor. The salary of the lieutenant-governor and compensation for extra services is \$3500 per annum.*

43. The Secretary of the Commonwealth is appointed by the governor, and may be removed by him at any time. He keeps a record of all the official acts and proceedings of the governor. He is the keeper of the seal of the State, and affixes it to such instruments as the law requires; he is the custodian of all laws passed by the Assembly; they and the veto messages of the governor are prepared for publication under his supervision; the official bonds of all officers and notaries public † whom the governor commissions are kept by him; all appointments, commissions and proclamations issued by the governor are countersigned by him, and a record of them kept in his office; he issues the charters of all corporations organized for profit, such as railroad, transportation, telegraph, mining and manufacturing companies; † he prepares and sends to the county commissioners and to the sheriff in each county the forms of the ballots to be used in elections for State officers, State senators, judges of the courts, members of

* For the qualifications of the governor and lieutenant-governor see *Art. IV. Sect. 5.*

† **The Notary Public** is appointed by the governor. He is empowered to administer oaths. His chief duty is to attest signatures, statements, deeds and other documents, and to place his seal upon them as evidence of their authenticity.

‡ **Corporations** organized for moral, educational or social purposes, *not for profit*, are chartered by the county courts.

the national House of Representatives and presidential electors, with the names of the candidates that have been nominated for these offices; he is the custodian of the election returns of all national, State and county officers who receive executive commissions; he compiles and publishes the returns of the State elections; he keeps a record of all death-warrants, respites, commutations and pardons. He is the agent of official communication between the State and other States and the United States. His salary and compensation for extra services is \$5100 per annum.

44. The Attorney-General is appointed by the governor, and may be removed by him at any time. He is the legal adviser of the governor and of the heads of departments in all matters of law relating to their departments; he is the attorney of the Commonwealth; he prosecutes its claims against other parties, and defends it in suits at law brought against it. His salary and compensation for extra services is \$4000 per annum.

45. The Auditor-General is chosen by the electors of the State to serve one term of three years, and is not eligible to the office for the next succeeding term. He examines the condition of the State treasury annually; he examines and settles all accounts between the Commonwealth and other parties; he has the power to compel the attendance of all persons having accounts against the State, to cause them to produce their books and papers, to examine them under oath and to commit to prison any one who refuses to appear, to produce his books or to testify. His salary and compensation for extra services is \$5200 per annum.

46. The State Treasurer is chosen by the electors to serve one term of two years, and is not eligible to the office for the next succeeding term. For the faithful performance of his duties he gives a bond, satisfactory to the governor, in the sum of \$500,000. It is his duty to receive and receipt for all money paid into the State treasury

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and to pay all warrants drawn by the proper officers. His salary and compensation for extra services is \$6200 per annum.

47. The Secretary of Internal Affairs is chosen by the electors to serve for four years. He inquires into the relations of capital and labor in their bearings upon the social, educational and industrial welfare of all classes of working-people; he exercises supervision over railroad, banking, mining, manufacturing and other corporations; and he has charge of the records and of the business of the public land office of the State. His salary and compensation for extra services is \$4500 per annum.

48. The Superintendent of Public Instruction is appointed by the governor for a term of four years. He has supervision of the public schools of the Commonwealth; commissions county, city and borough superintendents and conducts the annual examinations of students for graduation in the State normal schools.* When required by citizens or school-officers he explains matters connected with the school law, the duties of school-officers, the rights and duties of parents, guardians, teachers and pupils. He signs all orders for money to be paid out of the appropriation to common schools; he reports to the General Assembly the condition and requirements of the common schools. His salary is \$4000 per annum.

49. Administrative Officers, Bureaus, Boards and Commissions, created by acts of Assembly from time to

* The State superintendent appoints committees to examine the candidates for graduation in the State normal schools. Successful candidates receive diplomas which are life certificates and authorize the owner to teach in any county of the State except in Philadelphia. To owners of professional certificates given by county superintendents, who may pass the examination of the board of examiners appointed by any county institute, he grants permanent certificates which are valid for life in the county for which they were issued, and in any other county in which they may be endorsed and ratified by the county superintendent thereof.

time as required, assist the executive officers in administering the government. They are generally appointed by the governor, with the consent of the Senate. They are the adjutant-general,* the State librarian, the superintendent of public buildings and grounds, the State printer, the superintendent of banking, the State board of agriculture, the factory inspector, the bureau of statistics, the insurance department, the board of public charities, the State committee on lunacy, the State board of health, the State fishery commission, the State board of trade, the commission of soldiers' orphans schools, the State pharmaceutical examining board, the State boards of medical examiners and the State dairy and food commissioner. The names of these officers and boards indicate their duties in the work of carrying on the government of the Commonwealth.

50. The Judicial Power of the Commonwealth is vested in a supreme court, and in lower courts known as courts of common pleas, courts of oyer and terminer and general jail delivery, courts of quarter sessions of the peace, orphans' courts, magistrates' courts, aldermen's courts and justices' courts. (*See Art. V. Sect. 1.*)

51. The Supreme Court consists of seven judges chosen by the electors of the State. If two judges are to be chosen, no elector may vote for more than one, and if three are to be chosen, he may vote for but two, thus giving the minority party the power to elect one of the judges. They are elected for one term of twenty-one years, and are not eligible for re-election. In case of a vacancy in the court

* The adjutant-general is appointed by the governor. He is chief of the governor's staff and is his military executive officer. He issues all orders of the governor to the National Guard of the State. Every male citizen of the State between eighteen and forty-five years of age, if not exempted by law, belongs to the militia. The organized militia constitutes the National Guard of the State. It consists of one division commanded by a major-general; the division is composed of three brigades, each commanded by a brigadier-general.

the governor appoints a judge to fill the vacancy, who serves until a judge elected at the next general election is commissioned. The judges of the supreme court are called justices, to distinguish them from the judges of the lower courts. The justice longest in service is the chief justice. The jurisdiction of the supreme court extends over the entire State, and is both original and appellate. The original jurisdiction of the court is its authority to decide cases that originate or are first brought to trial in the supreme court; it is exercised in cases in which a corporation is the defendant in a suit brought to enjoin or prevent the corporation from doing a particular act; in cases in which persons confined or imprisoned petition the court to decide whether their imprisonment is lawful; in cases commanding a lower court to perform a particular act; and in cases in which the authority of a State officer is questioned. Its appellate jurisdiction is its authority to decide cases that come to the supreme court by appeal from a lower court; it is exercised in all cases that have been previously tried in a lower court, and which, as provided by law, have been appealed to the supreme court for a final decision. Most of the cases tried in the supreme court are appellate and have been previously tried in a lower court. When a case is appealed from a lower court to the supreme court, the evidence submitted in the lower court and the record of the case, printed in pamphlet form and known as the "paper book" of the case, are presented to the supreme court, which examines the evidence and hears the arguments of counsel. No new evidence is admitted, and there is no jury. The opinions of a majority of the justices form the opinion or decision of the court, which is final unless the case involves the Constitution or laws of the United States, when it may be appealed to one of the inferior courts of the United States, and possibly by successive appeals it may reach the supreme court of the

United States. The reporter of the supreme court, who is appointed by the governor, compiles the decisions of the court and superintends their publication. These volumes constitute the Supreme Court Reports, and are the precedents for subsequent decisions by both the supreme court and the lower courts. The supreme court holds sessions each year in Philadelphia, Harrisburg, and Pittsburgh. The salary of the chief justice of the supreme court is \$8500; that of the other justices, \$8000 per annum.

52. The Lower Courts.—The Commonwealth is divided into fifty-one judicial districts. Each county having a population of forty thousand or more forms a separate judicial district, in each of which one or more judges are elected.

Counties having a population of less than forty thousand are united to constitute a district or are attached to an adjoining district. Not more than four counties can be included in one district. In these united districts a judge is chosen jointly by the electors of the several counties composing the district. This judge is called the president judge. He must be "learned in the law." In addition to the president judge, the electors in each of the counties so united elect one or more associate judges, who need not be "learned in the law.*" (*See Art. V. Sect. 5.*)

The judges of the courts in each separate judicial district, and the president judge in the united districts, are chosen by the electors therein to serve for ten years; the associate judges are elected to serve for five years. They are all eligible for re-election. Vacancies in the lower courts are filled in the same manner as in the supreme court. The salaries of the judges in the lower courts in Philadelphia are \$7000; in Allegheny county, \$6000; in Dauphin county, \$5000; and in the other districts, \$4000 per annum.

* In the populous counties, instead of creating new judicial districts the number of the judges is increased; thus Luzerne county has four, Allegheny county nine, and Philadelphia sixteen judges.

The lower courts of the State consist of the courts of common pleas, which decide civil cases; the courts of oyer and terminer and general jail delivery, which decide cases of a felonious nature, such as murder, arson and burglary; the courts of quarter sessions of the peace, having jurisdiction in such criminal cases as larceny and assault and battery; orphans' courts, which settle the estates of deceased persons; magistrates' courts, aldermen's courts and justices' courts, having jurisdiction in civil cases as provided by law, and in criminal cases such as misdemeanors and minor violations of law, and having authority to release on bail or to commit to jail to await trial by the county court all persons accused of more serious crimes. *

53. The Income of the State is derived from fees received for granting charters; from taxes on the capital stock of corporations and associations, on loans created by corporations, on the gross receipts of transportation and electric light companies, on premiums received by insurance companies, on the net earnings of brokers, private bankers and saving institutions; from the sale of land belonging to the State, from licenses, fines and penalties, from interest on Government bonds owned by the State, from the State tax on personal property, from the collateral inheritance tax, from escheats and from various other sources. †

* Magistrates may have jurisdiction in civil cases to an amount not exceeding \$100, and aldermen and justices of the peace to an amount not exceeding \$300. Usually, cases in which the amount in dispute is not more than \$100 are settled in these courts, but the absolute jurisdiction of these officers is but \$5.33, and when a larger amount is at issue the case may be appealed to the county court and finally to the supreme court.

† **The Collateral Inheritance Tax.**—A person dying and leaving property may have two classes of heirs—*direct* and *collateral*. In general terms, direct heirs are parents, husband or wife, children and grandchildren. Collateral heirs are brothers and sisters, nephews and

54. The State Tax on Personal Property is a tax of four mills on the dollar, payable by every citizen who is the owner of a mortgage, promissory note or obligation of any kind bearing interest, of certain kinds of bonds and stocks, of vehicles to hire or of an annuity yielding over two hundred dollars annually.

nieces, cousins, etc. On any inheritance received by a collateral heir a tax must be paid to the State.

Escheats.—When a person dies leaving property, not having made a will and having no heirs, either direct or collateral, to inherit the property, the State becomes the heir, and the property escheats to the State—that is, it becomes the property of the State.

THE COUNTY.

55. **The County.**—The State of Pennsylvania is composed of sixty-seven counties, each of which has an organized government of its own, subordinate to the government of the State. New counties may be organized by the General Assembly, but no new county can be established less than four hundred square miles in extent or with less than twenty thousand inhabitants. (*See Art. XIII.*) Each county is a corporation. The officers of the county are the clerk of the courts, the prothonotary, the recorder of deeds, the register of wills, the district attorney, the jury commissioners, the county solicitor, the county commissioners, the sheriff, the county treasurer, the county auditors, the county surveyor, the coroner, the directors of the poor, the mercantile appraisers, and the county superintendent of schools. (*See Art. XIV.**) All the county officers except the mercantile appraisers and the county superintendent of schools are chosen by the electors to serve for three years, and they must have been citizens and residents of the county for at least one year previous to their election. Some county officers are paid a salary for their services, and some are paid by fees. (*See Art. XIV. Sect. 5.*) There is considerable variation in the compensation of county officers in different parts of the State.†

* In addition to the officers named there are in some counties officers known as prison inspectors, appointed by the courts or by the county commissioners to serve for one year. In some counties the county commissioners are *ex-officio* prison inspectors.

The county superintendent of schools and the directors of the poor are not designated as county officers by the State Constitution, but by custom they have come to be so regarded throughout the State.

† This variation is due to special legislation. Whether the officials in any county are paid by salary or by fees, and the amounts thereof, can be accurately learned only therein.

56. The County Courts are the courts of the judicial districts into which the State is divided. (*See Art. V. Sect. 5.*) In a county forming a separate judicial district the judges and all the officers of the court are chosen by the electors of the county; the number of courts and of the judges is determined by the amount of its population and legal business. In some of the counties the functions of all four classes of courts, common pleas, oyer and terminer, quarter sessions and orphans' courts, are exercised by one court with but one judge, while in Philadelphia sixteen judges are needed to dispose of the business of the courts.

When several counties are united to form a judicial district, the president judge is chosen jointly by the electors of the several counties composing the district, but the associate judges and the other court officers in each county are chosen by the electors therein. Each of the united counties has its own court, and the president judge presides in turn in each of them. (*See note page 116.*)

57. The Clerk of the Courts, the Prothonotary, the Recorder of Deeds and the Register of Wills.—Originally the duties of these four officers were performed by one person, the prothonotary. At the present time in some counties one person is chosen to act as prothonotary and clerk of the courts, and one person as register of wills and recorder of deeds. In some counties one person only is chosen to perform the duties of all four of the offices.

Usually, the clerk of the courts is the clerk of the courts of quarter sessions and of oyer and terminer; he frequently acts as clerk of the orphans' court, although in some counties a separate clerk is chosen for this court.*

The clerks of the courts attend personally at all the sessions of the courts, make a record of their proceedings, and certify to these records; they issue attachments or notices

* The number of clerks of the courts and their respective duties in any county can be accurately learned only therein.

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calling into court such persons as the judges may direct to be present; they call jurors and witnesses before the court and administer the oath to them, and they perform such other duties as may be necessary.

The clerk of the court of quarter sessions has charge of all business relating to liquor licenses and to laying out new roads or streets. He receives and keeps a record of the returns of township, borough and city elections.

The prothonotary is the clerk of the court of common pleas.* He has charge of the seal of the court, and affixes it to all writs, processes and documents that require it. The records of all the business of the court are in his possession. All judgments and mechanics' liens† are entered on his docket. He is empowered to administer oaths and affirmations in conducting the business of his office. He reports annually to the secretary of the Commonwealth the number and nature of criminal cases, acquittals and convictions in the criminal courts. He receives and keeps a record of the returns of county, State and national elections.

In the office of the register of wills are recorded and kept the wills of all deceased persons. A copy of the will

* In Philadelphia the prothonotary is chosen by the judges of the courts. In some counties the prothonotary is clerk of the courts of oyer and terminer and of quarter sessions; in others he is clerk of the orphans' court. By the act of Assembly of 1893 the clerk of the orphans' court keeps a record of births and deaths in the county, from reports furnished by the assessors of taxes.

† A judgment is an evidence of debt. It may be obtained by a suit at law, or it may be given voluntarily by the debtor. In the latter case it is called "judgment by confession." Judgments when recorded in the prothonotary's office constitute claims against the real estate of the debtor, and take precedence in the order in which they are recorded.

Mechanics and those who furnish material have a claim called a *lien* upon buildings which they have constructed or repaired, or for which they have furnished the material. This lien must be filed with the prothonotary within six months after the completion of the work. It is a first claim on the building.

is given to the executors named in the will. If a person dies leaving property and making no disposition of it by will, the register appoints administrators, who have power to distribute the property as provided by law. The division of the estate of a deceased person is made under the supervision of the orphans' court.*

The recorder of deeds is an important officer to the community. He has charge of the books in which are entered the record of all transfers of real estate.

The people are constantly buying and selling land, making agreements, executing deeds and mortgages, forming partnerships and contracts of various kinds. All transfers of property in the county, all deeds, mortgages and many other papers, are by law required to be recorded in the office of the recorder. So important is the matter of time in recording these documents that every paper entered of record is marked with the day of presentation; some papers, such as mortgages, are marked with the exact hour of the day when presented. The purpose of so much detail is to fix exactly the time when a claim of right is made. Claims of right often rank according to their priority.

58. The District Attorney.—It is the duty of the district attorney to prepare the indictment or formal charge against accused persons and submit it to the grand jury, and to prosecute all persons charged with the commission of crime or offences against the law who are brought before the court for trial. The duties of the district attorney are such that a lawyer must necessarily be chosen for this office.

59. The Jury Commissioners † are two officers who, in connection with one of the judges, select each year, from the whole body of electors of the county, a sufficient num-

* In some counties the register of wills is clerk of the orphans' court. (See *Art. V. Sect. 22.*)

† In electing jury commissioners, no elector may vote for more than one candidate, thus giving the minority party the power to elect one of the *commissioners*.

ber of sober, intelligent and judicious persons to serve as jurors in cases brought before the courts for trial. The total number of jurors selected is decided by the judge, who estimates the number required for the year from the probable need of the courts. The electors are selected from all the cities, boroughs and townships in the county in proportion to their whole number of electors. The names of the electors selected are placed in the jury-wheel. Previous to each term of court the jury commissioners and the sheriff draw from the jury-wheel the names of those electors who are to serve on the jury during the next term. The first twenty-four drawn constitute the grand jury;* there are then drawn a sufficient number to serve

* One of the grand jurymen is always excused, so that but twenty-three of them serve. The district attorney submits to them the *indictment*, or written charges and evidence against accused persons. They examine the evidence, and if twelve of them agree that it is sufficient to justify a trial, they write on the back of the indictment "A true bill," and the accused person must then be tried by the court. If twelve of them do not agree that the evidence is sufficient, they write on the indictment "Not a true bill" or "Ignored," and the accused person is discharged. The district attorney has power in any case to enter a *nolle prosequi*. This means that he will not prosecute or proceed any further in the case, and the accused is discharged. A *nolle prosequi* does not acquit the accused: he may be indicted again.

A Criminal Case is one in which suit is brought in the name of the Commonwealth against an accused person for taking or endangering the life, health, property or reputation of a citizen. The grand jury having found "a true bill," the case comes into court for trial. The State is the *plaintiff*, or the one that complains, and the accused person is the *defendant*. The prosecution is conducted by the district attorney. A jury of twelve is drawn and sworn to decide the case according to the evidence submitted. In selecting the jury the district attorney and the attorney for the accused may each peremptorily challenge and reject four jurors without assigning any reason. Each attorney may challenge and reject as many more jurors as the court will permit *for cause*—that is, if he can show cause why they should not be allowed to serve. The district attorney first presents the case to the jury, and submits the witnesses and evidence in support of the prose-

as petit jurors, who decide the cases tried in the courts, the number needed being estimated by the judge.

cution. The attorney for the defendant follows with his statement of the case, and submits the witnesses and evidence for the defence. The witnesses on both sides are sworn or affirmed to tell nothing but the truth in their statements. This imparts solemnity to the proceedings and makes each witness guilty of perjury if he does not tell the truth. The judge reviews the evidence and explains to the jury the law which applies in the case, after which the jury retires to consult and deliberate upon the verdict. During their consultation they cannot communicate with any one but the judge. A verdict is the unanimous opinion of the jury. Their verdict is "Guilty" or "Not guilty." If the accused is found guilty, the sentence is imposed by the judge. Sometimes a person found guilty is granted a new trial for reasons satisfactory to the judge; sometimes the case is appealed to the supreme court, if permission to do so is granted by one of the justices of the supreme court. The supreme court may decide the case or may order a retrial by the lower court. If the jury disagree, they are discharged, and the accused is tried again before another jury, except in case of murder or other crime involving the death penalty, in which cases the supreme court has decided that the accused cannot be tried again, as the Constitution provides that "No person shall for the same offence be twice put in jeopardy of life." (See Art. 1. Sect. 10.) If the accused is found "Not guilty," he cannot be tried again for the same offence.

A Civil Case originates in a breach of contract, which is an agreement to do or not to do a particular thing. Contracts are *expressed*—that is, stated formally in writing or orally before witnesses—or *implied*—that is, such as reason and justice dictate. If I employ a person to work for me, the law implies that I shall pay him for his services. It is implied in all contracts that if I fail to perform my agreement I shall pay the other party such damages as he may sustain by my neglect.

Civil cases are not acted upon by the grand jury. The party who brings the suit is the plaintiff; the one who defends himself against the suit is the defendant. Each party usually seeks the advice of an attorney. If the parties cannot come to an amicable settlement, the case is taken into court for trial. Before the trial begins a jury is drawn and sworn to decide the case according to the evidence presented. In selecting the jury twelve jurors are drawn. If either side is not satisfied with the twelve jurors as drawn, eight more are drawn, and from these twenty, each attorney challenges or rejects four; the twelve remaining compose the jury. By mutual consent the case may be settled b

60. The County Solicitor appears before the courts and acts as the county's attorney in all civil actions to which the county is a party. He advises the county officers on all matters of law connected with their departments, and in general acts for the county in all cases in which its legal interests are affected.

61. The County Commissioners are three officers who erect and exercise supervision over the public buildings and structures of the county, such as the court-house, the jail, and the bridges. They have the power to revise and correct the valuations of property as made by the assessors; they determine the amount of money necessary to be raised by taxation for the government of the county, and fix the rate of taxation; they instruct the assessors; they verify the standards of weights and measures, so that the people shall not be cheated by false balances; they supply the tickets or ballots to be used at all elections, and provide suitable polling-places throughout the county; they authorize the payment of the county funds; and they represent the county when a suit at law is on trial in which the county is a party. They are empowered to borrow money for county purposes, subject to the limitations prescribed by the State Constitution. (*See Art. IX. Sect. 8.**)

62. The Sheriff is the executive officer of the county and of its courts. He is the constable of the county, and has jurisdiction over all its territory. The decrees of a county court, if to be executed in another county, are exe-

the judge alone, but usually it is decided by the jury. The method of trying a civil case is, in the main similar to that in a criminal case. The verdict of the jury is "For the plaintiff" or "For the defendant." In most civil cases the jury fixes the amount of damages, and the amount named is a part of the verdict. Either the plaintiff or the defendant may appeal the case to the supreme court if the verdict of the jury is not satisfactory.

* At the election for the three commissioners no elector may vote for more than two candidates. This gives the minority party the power to elect one of the commissioners. (*See Art. XIV. Sect. 7.*)

cuted by the sheriff of that county ; if to be executed in another State, they are executed, with the approval and direction of the governor of that State, through a sheriff in that State. If a taxpayer refuses to pay his taxes on real estate after assessment and demand by the proper officers, the sheriff is empowered by the State to seize the property of the delinquent and expose it for sale. From the proceeds of the sale he deducts the taxes and the expenses of the legal proceedings and sale, and returns the remainder, if any, to the former owner of the estate. He serves all processes of court both in civil and criminal matters. When necessary, he sells property belonging to debtors against whom judgments have been decreed by the courts. From the nature of his office he receives large sums of money, and is consequently under heavy bonds. He is usually the highest paid officer in the county. He has the care of the county prisons, and is responsible for the safekeeping of the prisoners. He assists the jury commissioners in drawing juries, and has charge of the jury-wheel. He summons electors who have been drawn as jurors, notifying them when to appear in court. He issues proclamations for all elections, and is required to maintain the peace of the county. In case of a riot he may summon the *posse comitatus*, that is, the citizens of the county, to assist him. If this aid is not sufficient, he may call upon the governor of the State. If the State is unable to quell the violence, the governor may call upon the President, who shall in that case employ the armed forces of the United States for the maintenance of the laws of the State. He is not eligible for election for two successive terms.

63. The County Treasurer receives all moneys paid into the county treasury, such as taxes, fines and license-fees. He transmits to the State treasurer the State tax collected in the county, and all other moneys received by him for the State. He pays out the county's money upon warrants issued by the county commissioners or by other

officers, as provided by law.* In his office are preserved the financial records of the county. He is under bonds for the faithful performance of his duties and for the safe-keeping of the county's money. He is not eligible for election for two consecutive terms.†

64. The County Auditors are three officers whose duty it is to examine the accounts of officers who have received and disbursed the county's money, and to publish an annual report of the county finances.‡

65. The County Surveyor is elected to secure accuracy and skill in the construction of roads and bridges and in the survey of land. His knowledge tends to bring all engineering work done for the county to a desirable uniformity and economy. He prepares maps of the county, makes plans of surveys, and frequently serves the cause of justice by surveying disputed claims.

66. The Coroner.—The principal duty of the coroner is to hold an inquisition, commonly called "the coroner's inquest," with the assistance of six electors called "the coroner's jury," over the body of any person who may have come to a violent death or who has died in prison. He commits to prison, to await trial, any one found guilty of homicide by the coroner's jury. The duties of the coroner are of great importance to society, both in bringing criminals to punishment and in protecting innocent persons from accusation. In case of the death of the sheriff or of his removal from office, the coroner acts as sheriff until another sheriff is elected.

* The directors of the poor and some other officers are in some counties, through special legislation, empowered to issue warrants payable by the county treasurer.

† In some counties the State and county taxes are collected by the county treasurer or by collectors appointed by him.

‡ In electing county auditors no elector may vote for more than two members of the majority party and the minority party the power to elect one of the

67. The Directors of the Poor are three officers who, in those counties having an almshouse, have the management of it, and who take care of the paupers of the county. One director is chosen annually to serve for three years.

68. The Mercantile Appraiser is appointed annually by the county commissioners to assess the tax on all vendors of merchandise. He ascertains the amount of yearly sales of each dealer, and on this amount a tax is assessed. This tax belongs to the State.*

69. The County Superintendent of Schools.—This officer is elected triennially by the school directors of the county assembled in convention. His duties are to examine and to grant certificates to persons desiring to become teachers in the public schools; to conduct teachers' institutes, to visit schools, generally to promote the educational interests of the county, and to report annually to the State superintendent the condition of the schools of the county.†

The county officers usually have their offices at the county-seat, a town convenient of access from all parts of the county. The size and shape of a county are deter-

* In Philadelphia and in Allegheny county the mercantile appraisers are appointed by the judges of the courts.

† According to the ability and experience of the candidate, the superintendent grants either a provisional certificate which authorizes the owner of it to teach for one year, or a professional certificate which authorizes the owner of it to teach until one year after the expiration of the term of office of the superintendent who granted it.

The salary of the county superintendent is determined by the school directors of the county in their triennial convention. A State law fixes the maximum salary at \$2000 per annum and the minimum salary at \$800, according to the size of the county, the number of the schools and the length of the school terms. The directors may determine upon a higher salary than \$2000, conditioned that any amount above \$2000 shall be taken out of the county's share of the State appropriation to schools.

mined by the legislature at the time of its creation; its extent coincides practically with the common interests of a group of people. Experience has proven that for convenience in government a county should have about four hundred square miles; usually in a county of this size a citizen may leave his home, attend to any business he may have at the county-seat, and return the same day. As the facilities for travel improve, the interests of the people of a county become more identified. Their county interests cause them to assemble at county fairs and county meetings and give them cause for a proper county pride.

Many counties are named after distinguished men, as Washington, Adams, Franklin, Fulton, Jefferson, McKean, Monroe, Perry, Wayne; others are named after cities and towns in England—Chester, York, Somerset, Northampton; some have Indian names—Susquehanna, Wyoming, Indiana, Juniata.

The division of the State into counties, and our system of county government, had their origin in similar features that existed in England long before the Norman conquest; but the officers of the county, or shire, as it was then called, were not chosen by the people: they were appointed either by the king or by a representative of the king.*

* The early colonists of this country brought with them from England the forms and customs with which they were familiar. England, before the Norman conquest, was divided into shires, a shire being a share or part of the whole country. The executive officer in the shire was the *shire-reeve*, the predecessor of our sheriff; the power of the sheriff to call the *posse comitatus* to his aid may readily be traced to the old "hue and cry."* When the Normans conquered England they changed the name of shire to county. In early English literature we may read of the "crowner," an officer appointed by the Crown, who has his successor in the coroner of to-day.

* Read Chapter III., page 22, *Thorpe's Course in Civil Government*.

THE TOWNSHIP.

70. The Township.—Each county in this State is composed of townships, each of which has an organized local government, subordinate to the government of the county in which it is located and to the government of the State. (*See Art. XIV. Sect. 6.*) Townships may be divided and new townships formed by a majority vote of the electors of the proposed new townships, permission to vote for this purpose having first been granted by the county court on the petition of the electors interested. Townships are empowered to borrow money for township purposes, subject to the limitations prescribed by the State Constitution. (*See Art. IX. Sect. 8.*) The township is the unit of civil government in the State. The officers of the township chosen by the electors are the justices of the peace, the constable, the school directors, the supervisors of roads, the assessor of taxes, the tax-collector, the auditors and the township clerk. For election purposes the electors annually choose one judge and two inspectors; each inspector appoints one clerk.*

71. The Justice of the Peace.—The humblest court in the land, the court upon which all other courts are founded, and the court of greatest antiquity, is the justice's court. The justice of the peace presides in this court and hears and determines suits at law. These suits grow out of the interests and disputes constantly arising

* **A Township Treasurer** is elected in some townships to take care of and disburse the township's money.

Overseers of the Poor.—In townships located in a county that has no county almshouse, two overseers of the poor are annually elected, who determine the amount of money to be raised by taxation for the relief of the poor of the township, and expend it for their support. Paupers requiring continuous and regular assistance must have an order to that effect signed by the two justices of the peace.

in every community. Usually, suits in which the value in dispute is not more than one hundred dollars are decided by the justice;* from his decision, if the value in dispute exceeds \$5.33, the parties may appeal to the county court, and subsequently to the supreme court of the State. Two justices are chosen by the electors to serve for five years, but frequently only one of them applies for his commission. †

The justice is authorized to issue warrants for the arrest of any one who violates the laws or is accused of crime. In cases of misdemeanor or minor violations of the law he imposes upon the offender a fine or short imprisonment; in more serious cases he sends the case to the county court, and releases the accused person on his giving bail or security to appear in court when summoned for trial. If the accused cannot give bail satisfactory to the justice, and in cases which are notailable, such as murder, the accused is sent to jail, where he remains until his case is tried in court, unless he is released by a judge of the court through a writ of *habeas corpus*. ‡

The justice of the peace is authorized to administer oaths or affirmations, to perform the marriage ceremony and to attest signatures, deeds and other documents. Under some circumstances the justice of the peace is empowered to perform in the township the duties of the coroner. A justice of the peace in any township has jurisdiction throughout the county.

72. The Constable is elected to serve for three years. He holds an office of great antiquity. He is responsible for the peace of the community. Under the authority of a *warrant* issued by a justice of the peace or of a judge

* See note page 30.

† The justice must be commissioned by the governor before he can exercise the duties of his office.

‡ A writ of *habeas corpus* is an order issued by a judge directing the sheriff to produce the accused person in court, that the cause of his imprisonment may be inquired into.

of the courts, he arrests accused persons,* delivers them at the county jail when committed thereto by the justice, examines premises suspected of containing stolen goods and levies upon and sells the property of debtors when judgment has been obtained against them in the justice's court. He serves all notices, subpoenas and summonses issued by the justice, and those issued to him by the courts; he gives public notice of all elections; and he attends at each term of the county court to testify in cases of which he may have information.

73. School Directors.—The educational interests of the community are committed to a board of six directors, two of whom are elected annually to serve for three years. They regulate the length and occurrence of the school term, the order of school studies, the selection of textbooks and the supply of school material and furniture; they employ and discharge teachers and superintendents; and they determine the amount of money to be raised by taxation for building school-houses and for maintaining schools. They are empowered to borrow money for purchasing ground for school purposes and for erecting school-buildings. Once every three years the school directors of the county meet in convention and elect a county superintendent of schools. They receive no compensation for their services. Women may be chosen to serve as school directors and as superintendents; these are the only offices to which they are eligible in this State.

74. The Supervisors of Roads are responsible for the condition of the public roads. The electors in each township annually choose two supervisors, who determine the amount of money to be raised by taxation for road purposes. They keep a record of their receipts and expendi-

* If he is unable to arrest an accused person or to subdue a riot, he may call upon the *posse comitatus*, that is, the citizens of the township, to help him. If their aid is not sufficient, he may call upon the county sheriff. (See ¶ 62, page 38.)

tures, and submit the same to the township auditors. The highways of this country are, as a rule, inferior to those of Europe, but in many parts of this State earnest efforts are being made looking to a systematic and methodical improvement of the condition of our public roads.*

75. **The Assessor of Taxes** is chosen by the electors to serve for three years. † He receives from the county commissioners an order called a *precept*, requiring him to make out and return to them a just and accurate list of all taxable persons and property within the township, with a just assessment and valuation of such property. This general assessment is made once every three years, and is called the "triennial assessment." In the other two years the assessor re-assesses property which has advanced in value or on which new buildings have been erected or old ones improved. ‡ The assessor is required also to ascertain from citizens the value of property belonging to them, if any, liable to the State tax. § The elector who owns no property is assessed for his profession or occupation, on which he pays a small tax for the use of the county. The assessor each year prepares a list of all the electors of the township for the use of the election officers. || He reports annually

* There is considerable variation in the matter of supervision of roads in different parts of the State. In some townships three or more supervisors are elected; in some, the care of the roads is sold at auction to the lowest bidder. It is a common practice to allow the property-owner to work on the roads and assist in keeping them in order instead of paying his road-tax.

† Two assistant assessors are also elected, who serve only during the year in which the triennial assessment is made.

‡ If a citizen thinks his property has been assessed too high, he may appeal to the county commissioners, and from them to the county court, for a re-valuation.

§ The State tax is a tax of four mills on the dollar on certain kinds of property, and is collected for the use of the State. (See ¶ 54, page 31.)

|| The law provides that this list shall be displayed upon the door of the building in which the election is held, for three months immediately *eding* the fall election.

to the clerk of the orphans' court the births and deaths in the township. As the assessment of property determines the amount of tax that each citizen has to pay, the assessor should always be a man of integrity and sound judgment.*

76. The Tax-Collector is chosen by the electors to serve for three years. He collects from the taxpayers the amount of tax due from them. The methods of collecting taxes vary in the State. In some townships the State and county taxes are collected by the county treasurer or by collectors appointed by him. The road-tax is usually collected by the supervisors or by a collector appointed by them. In some townships the school directors appoint a collector of the school-tax. In some townships the tax-collector chosen by the electors collects all the taxes.

77. The Auditors.—In order to learn from time to time how the township money is being used, three auditors are chosen by the electors, one being chosen each year to serve for three years. The auditors annually examine the accounts of the school directors, supervisors, overseers of the poor and other township officers, and publish a report showing the receipt and expenditure of the township money.

78. The Township Clerk.—In olden times it was the duty of the town clerk to keep an "accurate recorde of what doth happene within ye metes and bounds of ye towne." At the present time, in this State, his principal duty is to act as secretary for the supervisors and to look after stray cattle and other animals. The law provides for the election of a township clerk annually, but in many

* Read ¶ 100, page 58, *Thorpe's Course in Civil Government*.

In New England and in some of the Western States the county is divided into towns, and not into townships. In some of the Southern States the county is divided into parishes. In Louisiana the county is known as the parish. In the Western States the public domain is divided into tracts of land six miles square, called congressional townships, which may or may not be identical with the civil townships or

townships no clerk is elected. In some of the States the town clerk keeps a record of births, marriages and deaths and of the transfer of property. An accurate record of these events in the community is frequently of value in determining the ownership of property and the rights of citizens. Our social affairs would be much more orderly if a careful record of these events were kept in every community.

towns into which a county is divided.* A town in New England is similar to a township in this State. In the New England town the government is carried on directly by the electors, who come together in what is known as the town meeting. At the annual town meeting the electors determine the amount of money needed to defray the expenses of the town's government, they fix the rate of taxation, appropriate the money necessary for the support of the schools, the care of the roads, the support of the poor and for such other purposes as may be necessary, and elect the town officers. This form of government carried on directly by the people is a pure democracy. The form of government in Pennsylvania, in which the electors choose officers to represent them in carrying on the government, is a representative democracy.

* Read chapter XIII., page 126, *Thorpe's Course in Civil Government.*

THE BOROUGH.

79. The Borough.—When the population of a community increases to such an extent, and its interests become so varied, as to require a form of government with greater powers than that of the township, it usually forms itself into a borough by a majority vote of the electors and the approval of the county court.* In a small, newly-formed borough the government is similar to that of the township, the main difference being the provision for a council chosen by the electors. In the larger boroughs, having a population of several thousand, the form of government is mainly the same as in the small boroughs, but is more complex, owing to the more varied and diverse interests of a greater number of people. When the welfare of the borough requires it, the county court may divide it into wards on the petition of a majority of the electors. When the population of a borough amounts to ten thousand, it may be chartered as a city, if a majority of the electors at a general election shall so decide. (*See Art. XV. Sect. 1.*) In most of the States our large boroughs would be called cities. The officers of the borough are the chief burgess or mayor, the councilmen, assessor, tax-collectors, treasurer, auditors, justice of the peace, constable, school directors and superintendent of schools. †

* The electors petition the court for incorporation as a borough. The petition is referred by the judge to the grand jury. If the grand jury report favorably, the petition is granted and the borough incorporated.

† Sometimes, in newly-formed and small boroughs, the schools are under the jurisdiction of the school directors of the township in which the borough is located. In such cases the borough has no separate school organization with directors and superintendent.

The form of borough government herein described is the form required under the present State Constitution. The form of government in boroughs incorporated previous to the adoption of the present State Constitution varies in some respects from the form given.

80. The Chief Burgess or mayor is chosen by the electors to serve one term of three years, and is not eligible to the office for the next succeeding term. He is not a member of the council, and his only duty in connection with the council is to approve and sign ordinances and resolutions passed by it, or to veto those which he does not approve. Any ordinance or resolution vetoed by the chief burgess may be re-passed over his veto by a two-thirds vote of all the members of the council. The chief burgess is *ex officio* a justice of the peace.*

81. The Council.—The members of the council are chosen by the electors, usually to serve for three years, two or more being chosen each year. They elect one of their own number to serve as president. It is the duty of the council to take such action and enact such laws and ordinances as will promote the general welfare of the people of the borough. All the public interests of the people of the borough are under its control. The nature and the importance of these interests increase with the increase of the population of the borough. The laws which the council makes must not conflict with the laws of the State or of the United States. In the larger boroughs the subjects considered by the council are highways, crossings, care of the poor, public health, water-supply, lighting the borough, police service, suits at law to which the borough is a party, and all other matters of interest to the people of the borough. The rate of taxation in the borough is fixed by the council, and the borough expenses are under its control; it examines all bills, and, if correct, makes orders on the treasurer for payment of the same. The council is empowered to borrow money for borough purposes, subject to the limitations prescribed by the State Constitution. (*See Art. IX. Sect. 8.*) It appoints a clerk or secretary, who keeps a record of all the transactions of the council, and cer-

* For his duties as a justice of the peace, see ¶ 71, page 43.

tifies to and makes public the ordinances and resolutions which it enacts.

82. The Treasurer is chosen by the council to serve for one year. He is the keeper of the borough's money ; the taxes collected for the use of the borough are paid to him ; he receives the money from the tax-collector and receipts for it ; he receives all fines, license money and penalties ; he pays out the money of the borough on the order of the council, duly presented in writing. He gives a bond for the faithful performance of his duties.*

*The duties of the other officers of the borough are the same as those of similar officers in the township.

THE CITY.

83. The City is a centralization of humanity and human interests. The government of a large city is more complex than the government of the State in which it is located. It is a corporation, and carries on its government under a charter granted by the State. The charter names the city, erects it into a political community and enumerates its privileges. The General Assembly may from time to time make such changes in the manner of conducting the government of a city as may be needed.

84. City Institutions.—For the welfare of its people a city is compelled to create charitable institutions, reformatory institutions, institutions for the punishment of offenders and educational institutions. The maintenance of these institutions and of public parks, the care of the streets, the provision for protecting the public health, the care of the poor, the erection of water-works, gas-works, electric-light works and public buildings, the equipment of a fire department, of a telegraph department, of an adequate police force for the protection of life and property, and the necessity for numerous officers and employés to carry on the government of the city, cause the taxes in the city to be much greater than in the rural districts.

85. Classification of Cities.—The cities in this State have been classified by the General Assembly as follows:

FIRST CLASS, having a population of 600,000 or more.

SECOND CLASS, “ “ “ “ 100,000 to 600,000.

THIRD CLASS, “ “ “ “ 10,000 to 100,000.*

* The object of this classification is to secure compliance with that provision of the Constitution which prohibits special legislation. (*See Art. III. Sect. 7.*) Under this section any law enacted by the General Assembly in reference to a city would be applicable to every city in the State. A law needed in a large city might be useless, and even harmful,

86. Wards and Precincts or Voting Divisions.—For convenience in its organization and government the city is divided into wards, and usually the wards are subdivided into precincts or voting divisions. Wards differ in size and population in the same city.

87. The City of Philadelphia is the only city of the first class in the State. It is divided into thirty-seven wards, each of which is subdivided into precincts or voting divisions. In its government the legislative power is vested in the councils; the executive power is vested in the mayor, the director of the department of public safety, the director of the department of public works, the receiver of taxes, the city treasurer, the city controller, the city solicitor, the president of the board of education, the president of the department of charities and correction and the president of the sinking fund commission.*

88. The Councils of the city comprise two bodies, the Select Council and the Common Council. The Select Council is composed of one member from each ward in the city, chosen by the electors therein to serve for three years. The Common Council is composed of one member for every two thousand electors in each ward, chosen by the electors therein to serve for two years. Each body elects one of its own members to serve as president, and the president of each

in a smaller city. By classifying the cities laws may be enacted suitable to the wants of any particular class. It has been thought by some that the law classifying cities was a violation of Art. III. Sect. 7 of the State Constitution, but the supreme court of the State has decided that the law is constitutional.

* All officers, clerks and employés in the different departments, except the assistants of the city solicitor, the officers and employés of the board of education, laborers and professional experts, are appointed by the director or head thereof, after a competitive examination. If any person personally solicits an appointment in favor of a candidate, it disqualifies such candidate from competing at any examination or for any appointment for one year thereafter, unless it can be shown that the solicitation was done with an intent to injure the candidate.

body appoints the committees for that body. The powers of the two bodies are mainly the same, except that the Common Council has the exclusive right to originate bills providing for taxation and raising money, while the Select Council has the exclusive right to confirm appointments made by the mayor and to try impeachments. All the laws necessary for the local government of the city are made by the councils. The laws they make are called ordinances, and must not conflict with the laws of the State or of the United States. The councils determine the amount of money necessary for the support of the different departments of the city government from estimates made by the departments, they fix the rate of taxation, and they apportion to each department the amount of money needed to defray its expenses. The councils are empowered to borrow money for city purposes, subject to the limitations prescribed by the State Constitution. Members of councils are not paid for their services.

89. The Mayor is the chief executive officer of the city, and is responsible for its good order and efficient government. He is chosen by the electors to serve for four years, and is not eligible for the next succeeding term. All ordinances and resolutions passed by the councils require his approval and signature; should he disapprove and veto any ordinance or resolution, it must be re-passed by a vote of two-thirds of all the members of councils before it can become a law. It is his duty to see that the ordinances of the city and the laws of the State, so far as they are applicable to the city, are faithfully executed; to communicate to councils at least once a year a statement of the finances and condition of the city's affairs; to recommend such measures as he shall deem expedient for the protection and improvement of the government and finances of the city; to call special meetings of councils, or of either of them, when necessary; and to call together the heads of departments at *least once each month* for consultation on the city's affairs.

He appoints a number of the executive officers of the city, subject to the approval of the Select Council. He has power to remove from office any head of department or other officer that he appoints. He may appoint, whenever he may think proper, three persons to examine, without notice, the accounts of any officer or department, and the money or securities belonging to the city in the hands of such officer or department. He is authorized to exercise the judicial power of a magistrate.*

90. The Director of the Department of Public Safety is appointed by the mayor, with the approval of the Select Council. This department has the management and supervision of all matters relating to the public health, of the fire and police force, fire-alarm telegraph, inspection of buildings, boilers and markets and the food sold therein.

91. The Director of the Department of Public Works is appointed by the mayor, with the approval of the Select Council. This department has the management and supervision of the water-works and gas-works, the grading, paving, repairing and lighting of the streets; the construction, care and repair of public buildings, bridges, wharves and public squares; and it has charge of the surveys, sewerage, drainage and of the city ice-boats.†

92. The Receiver of Taxes is chosen by the electors to serve for three years. He receives from the citizens all taxes and money due the city from loans, licenses, rents and other sources, and pays the same to the city treasurer.

* As the mayor's time is fully occupied with other and more important duties, he selects two of the magistrates chosen by the electors, and these magistrates in turn hold a magistrate's court every day at the city hall, for the purpose of hearing and disposing of such criminal cases, misdemeanors and violations of the law as may be brought before them. (See note ¶ 97.)

† The construction of the city hall is under the control of a commission authorized by the General Assembly.

The city ice-boats are used to keep the channel of the Delaware River free from ice that would otherwise obstruct the navigation of the river.

93. The President of the Board of Education is elected by the board of education, of which he must be a member.

94. The President of the Department of Charities and Correction and a board of four directors are appointed by the mayor to serve for five years. They have the care and management of the almshouse, the hospital and the house of correction.

95. The Sinking Fund Commission is composed of the mayor, the controller and one other person chosen by the councils in joint session. It is the duty of the commission to see that the requirements of the law relative to the sinking fund are complied with. The sinking fund was established to provide the means of paying and retiring, as they mature and become payable, the bonds issued for money borrowed by the city. (*See Art. XV. Sect. 3.*)

96. The Other Officers of the City are the city treasurer,* the city controller or auditor, and the city solicitor, each of whom is chosen by the electors to serve for three years. Their duties are like those of similar officers in the county and borough.

97. The Courts of the city of Philadelphia are the courts of the judicial district in which the city is located, in addition to which it has magistrates' courts for hearing and disposing of criminal cases, misdemeanors and violations of law, and civil cases in which the value in dispute is not over one hundred dollars.†

*The city treasurer must have been a resident of the city for seven years prior to his election, unless he has been absent on business of the State or of the United States. He is not eligible for election for two consecutive terms.

The methods of assessing taxes, revising the valuations made by the assessors, collecting the taxes and water-rents and providing for other matters required in the government of a large body of people are necessarily more complex than in the government of smaller bodies, but the general principle is the same.

† One magistrate for each thirty thousand citizens is chosen by the electors to serve for five years. In each ward a constable is chosen

98. Public Schools.—The interests of the public schools of Philadelphia are entrusted to a board of education consisting of one member from each ward, appointed by the judges of the courts. The board elects one of its own members as president; it also elects a superintendent and six assistant superintendents to superintend the work of instruction in the schools, a secretary, an assistant secretary and six clerks to attend to the clerical work of the department, and a superintendent of buildings with five assistants, who superintend the erection and repair of school-buildings. Each ward elects a local or ward board of school directors, who elect the teachers and who attend to the local interests of the schools in their respective wards. The schools are maintained by appropriations made by the councils. The public-school system of Philadelphia is entirely distinct from that of the rest of the State.*

99. Cities of the Second and Third Class.†—In all important features the government of cities of the second and third class is the same as in a city of the first class. The differences that exist are mainly in matters of detail, in a smaller number of assistants and employés in the offices, departments and bureaus in the smaller cities, and in a less minute division and assignment of their duties.

by the electors therein for each five thousand citizens in the ward. Criminal cases are disposed of in magistrates' courts in the same manner as in the court of the justice of the peace (*see* ¶ 71, *page 43*), except that some offenders, instead of being sent to jail, are sent to the "House of Correction," where they are compelled to perform daily labor. For the magistrate's jurisdiction in civil cases, *see* note page 30.

* 485 schools of all grades, with nearly 140,000 pupils, taught by 2998 teachers, and an annual outlay of nearly \$4,000,000, indicate the extent of the public-school interests in the city of Philadelphia.

† Pittsburgh and Allegheny are the only cities of the second class in the State. For list of cities whose population entitles them to be classified as cities of the third class—*i. e.* having a population between 10,000 and 100,000—*see* page 120.

The Wallace law, under which the cities of Pittsburgh and Allegheny are governed, and the Bullitt law, under the provisions of which the city of Philadelphia carries on its government, are alike in spirit and in purpose. The enactment of these laws by the General Assembly indicates the demand of the people for a better and purer government, and the willingness of our representatives to comply with that demand. The government of our large cities to-day is a decided improvement over that of the past.

CHAPTER III.

HOW THE PEOPLE CHOOSE THEIR OFFICERS.

100. Political Parties form the most important agency in the government of the people. It is well for the State and for the nation that the people form different political parties. Errors in the administration of the government are less likely to occur, and are more quickly remedied, when one party keeps a close watch upon the policy and actions of its opponents.

101. Party Committees.—The interests of political parties are looked after by committees. Each prominent party has a national, a State, a county, a city, and frequently a township committee.

102. The Primary or Delegate Election is held for the purpose of choosing delegates to the conventions which nominate candidates for office. At the primary election only those are allowed to vote who belong to the party in whose interest the primary election is held.

In the Crawford county system of nominating candidates, so called because it originated in that county, each elector at the primary election votes directly for the persons whom he desires to become candidates for the different offices, and those persons receiving the greatest number of votes become the candidates.

103. Conventions.—Candidates for office are usually nominated in conventions. Each party holds its own conventions, which are composed of delegates belonging to the party in whose interest the conventions are held.*

* Read Chapter V., page 44, *Thorpe's Course in Civil Government.*

104. Nominations.—Candidates for offices in the townships and the smaller boroughs are nominated either in party conventions of delegates chosen by the electors at the primary election, or in a caucus or informal meeting of the leading members of the party.

Candidates for offices in the cities, in the larger boroughs and in the counties are nominated in conventions of delegates chosen by the electors at the primary or delegate elections in the various voting divisions of the city, borough or county. The county convention also elects delegates to the State convention.

Candidates for State offices are nominated in State conventions* composed of delegates from each county elected by the county convention. The State convention prepares an address called *the platform* of the party, which sets forth its principles and its policy and what it seeks to accomplish; it nominates candidates for presidential electors and it elects delegates to the national convention.†

Candidates for the lower house of the General Assembly are nominated in conventions held in the representative or assembly districts; candidates for the State Senate

* **The State Committee.**—The place and time for the State convention to meet is named by the State committee, which is composed of one member from each county in the State, appointed by the preceding State convention. The member of the committee for each county is suggested by the delegates in the convention from that county. The chairman of the State committee is selected by the candidates that the convention nominates. The *campaign*, which is the term applied to the time, means and efforts used to elect the candidates, is conducted chiefly by the chairman of the State committee, with the advice and assistance of the candidates.

† Sixty-four delegates, a number equal to twice the number of the State's representation in both houses of Congress, are elected by the State convention to represent the party in the State in the national convention which nominates candidates for the office of President and of *Vice-President* of the United States.

HOW THE PEOPLE CHOOSE THEIR OFFICERS. 61

are nominated in conventions held in the senatorial districts; candidates for membership of the national House of Representatives are nominated in conventions held in the congressional districts.*

Each district holds its own convention, which is composed of delegates chosen by the electors in each voting division therein. When several counties are united to form a senatorial district or a congressional district, the delegates from each county are usually chosen in a convention held in that county, and are usually instructed to vote for some particular candidate.†

105. Nomination Papers.—Nominations of candidates for any office may also be made by nomination papers signed by qualified electors of the district or of the voting division for which the nomination is made. If the nomination is for any State office, such as governor or State

* See ¶ 36, p. 20.

† Members of the national House of Representatives are chosen by the electors in the congressional districts; the electors in each district choose the congressman for that district.

The Congressman-at-Large.—The representation of the State in the national House of Representatives is based on its population. By the census of 1880 this State was entitled to twenty-eight representatives; by the census of 1890 it is entitled to thirty representatives. The General Assembly neglected to re-district the State immediately after the census of 1890, so we have but twenty-eight districts, but are entitled to thirty representatives. Under these circumstances two representatives are chosen by the electors-at-large—that is, voted for by the electors in all of the congressional districts. The congressman so chosen is called a congressman-at-large. As soon as the General Assembly re-districts the State the congressmen-at-large will be assigned to districts and the distinction will disappear.

The two senators who represent the State in the United States Senate are chosen by the General Assembly.

The President and Vice-President of the United States are chosen by the Electoral College, composed of presidential electors chosen by electors.

Read Chapter X., page 93, Thorpe's Course in Civil Government.

treasurer, the number of electors signing the nomination papers must be at least one-half of one per cent. of the largest vote cast for any State officer elected at the preceding State election. In all other nominations the number signing the nomination papers must be at least two per cent. of the largest vote for any officer elected at the preceding election in the district or in the voting division for which the nomination papers are made.

106. Making the Ticket.—The names of all the candidates nominated in the conventions for State offices, State senators, judges of the courts, members of the national House of Representatives and presidential electors, certified to by the president and secretaries of the conventions, and the names of all candidates nominated for the same offices by nomination papers, certified to by the affidavit of at least five of the signers to the papers, are sent to the secretary of the Commonwealth, who makes a correct list of all the candidates nominated for State offices and for presidential electors, and sends it to the county commissioners and to the sheriff of each county in the State; he also makes correct lists of all the candidates nominated for State senators, for members of the national House of Representatives and for judges of the courts, and sends them to the county commissioners and to the sheriffs of the counties located in the districts for which the nominations have been made.

The names of all candidates nominated for members of the lower house of the General Assembly and for city, county, borough and township offices, certified to by the president and secretaries of the conventions in which they were nominated, and the names of all candidates nominated for the same offices by nomination papers or in caucuses or delegate elections held under the rules of any political party, and properly certified, are sent *directly* to the county commissioners, who from these *lists* prepare an exact official ticket and provide the

ballots needed in the county for use at the election. The sheriff issues a proclamation stating what officers are to be chosen.

107. Election Officers.—At the annual spring election the electors in each voting division of the State choose one judge and two inspectors of elections. As but one judge is chosen, he is necessarily elected by the majority party, but, as no elector may vote for more than one inspector, each of the two leading parties chooses one inspector; each inspector appoints one clerk: these clerks perform the clerical work necessary in conducting the election.

108. The Election.—In Pennsylvania all elections are conducted under the "Baker ballot law," which is a modification of the Australian ballot system. The general election, usually called the fall election, at which national, State and county officers are chosen, is held on the Tuesday next after the first Monday in November; the spring election, at which city, borough and township officers are chosen, is held on the third Tuesday in February.

109. Casting the Ballots.—The room in which the election is held is divided into two parts by a railing. In one part of the room are located the election officers with the ballot-box; in the other part are arranged a number of closets called voting-booths or stalls. When an elector enters the room he gives his name and address to the officers; if his name is found on the assessor's list, he is admitted within the railing and handed an official ballot. The ballot contains the names of all the candidates of the different parties in separate columns; the elector retires to a voting-booth and in private prepares his ballot. If he desires to vote what is called "a straight ticket"—that is, to vote for every candidate of his political party—he marks a cross (X) within a circle which is printed above the column containing the names of all the candidates of his party. If he desires to vote for but a part of the ticket, he makes a cross (X) opposite the names of the

candidates for whom he wishes to vote, or he may write in blank spaces left for the purpose the names of candidates of his own choice. He must fold his ballot so that no one can see how he has marked it, give it to the election officer having charge of the ballot-box, who numbers it and fastens down securely with adhesive paste the part marked with the number, so that it cannot be seen without cutting the ballot open, and deposits it in the ballot-box. The object of all this detail is to secure secrecy and to prevent fraud in conducting the election.*

110. The Result.—The ballots are received from seven o'clock in the morning until seven o'clock in the evening. As soon as the election is over the officers count the ballots for each candidate and prepare a written report or return of the same. This return is taken to the prothonotary of the courts when an election is held for national, State or county officers, and to the clerk of the court of quarter sessions when city, borough or township officers have been chosen. The prothonotary places the return before the judges of the court of common pleas, under whose supervision the return is examined, and, if found correct, he certifies to it and the prothonotary then sends it to the secretary of the Commonwealth at Harrisburg, by whom it is recorded, and, excepting in a few instances, commissions are issued by the governor to the successful candidates. The candidates who were elected to the city, borough and township offices receive their certificates of election from the clerk of the court of quarter sessions or from the election officers in the township, excepting the justice of the peace, whose election is certified to the governor, from whom the justice of the peace receives his commission.†

* Read note page 215, *Thorpe's Course in Civil Government*.

† **Plurality and Majority Votes.**—When there are more than two candidates for the same office, the successful candidate is usually elected, not by a majority, but by a plurality, vote. The candidate

111. The Officer-Elect.—The candidate who has been declared elected is the officer-elect, but he has not yet become an officer. When the time has expired for which his predecessor was elected, and before the successful candidate can become an officer and assume the duties of his office, the Constitution provides (*see Art. VII.*) that every senator, representative, State, county and judicial officer shall take and subscribe to the oath of office, in which he swears or affirms that with the help of God he will support, obey and defend the Constitution of the United States and the Constitution of the Commonwealth of Pennsylvania, and that he will discharge the duties of his office with fidelity. After he has taken the oath he assumes the duties of the office to which he was elected.

receives a plurality vote when he receives more votes than any other candidate for the same office; he receives a majority vote when he receives more than half the whole number of votes cast for any office.

CHAPTER IV.

TO THE PEOPLE WE COME SOONER OR LATER.



“To the people we come sooner or later; it is upon their wisdom and self-restraint that the stability of the most cunningly devised scheme of government will in the last resort depend.”—BRYCE.

112. The government of Pennsylvania, in State, county, city, borough and township, is the familiar tripartite form of government for which our ancestors so long contended in England and for which our forefathers made such costly sacrifices during the Revolutionary war.

113. The people, through their representatives whom they elect, make the laws, which are interpreted by judges whom the people choose, and which are executed by executive officers of their choice. So closely is the individual citizen connected with the government that any one of us, old or young, who may think of some plan by which the welfare of the people would be promoted, may form his ideas into a bill and send it to his representative in the General Assembly or in the Federal Congress, and it may be enacted into a law of the land.

114. The Constitution and laws of the State are but the expression of the will of the people as to the method of securing the best form of civil government, which implies the protection of all the rights and interests of the people, their lives, their property, their safety, their happiness and their prosperity.

The numerous officers chosen by the people, in State, county, city, borough and township, to administer the

laws and transact the public business, are responsible to the people for the care of the public interests entrusted to them; they are the public servants of the people; and while the term "public servants" may be to the thoughtless but a meaningless expression, to the more thoughtful it has all the significance intended by the Constitution when it uses the words "chosen to serve."

115. The government, in all of its departments, is "of the people, by the people, for the people." To the people we come sooner or later; on them, on the individual citizen, rest the stability and the security of the State. As we each of us realize our privileges, and with fidelity and loyalty live up to our responsibilities in the home, in the school, in township, in borough, in city, in State and in the nation, so shall we, like the favored people of old, "be blessed among the nations"—so shall we worthily bear on the flag of the State, which is the emblem of its authority, and on the coat of arms of the State, which is the evidence of that authority, the ennobling motto written there by our fathers: "Virtue, Liberty and Independence"—so shall be answered the prayer of the great founder of our State: "God bless the Commonwealth of Pennsylvania."

CONSTITUTION
OF THE
COMMONWEALTH OF PENNSYLVANIA.



THE PREAMBLE.

WE, the People of the Commonwealth of Pennsylvania, grateful to Almighty God for the blessings of civil and religious liberty, and humbly invoking His guidance, do ordain and establish this Constitution.

ARTICLE I.

DECLARATION OF RIGHTS.

That the general, great, and essential principles of liberty and free government may be recognized and unalterably established, WE DECLARE that

SECTION 1. All men are born equally free and independent, and have certain inherent and indefeasible rights, among which are those of enjoying and defending life and liberty, of acquiring, possessing, and protecting property and reputation, and of pursuing their own happiness.

SECTION 2. All power is inherent in the people, and all free governments are founded on their authority and instituted for their peace, safety, and happiness. For the advancement of these ends, they have, at all times, an inalienable and indefeasible right to alter, reform, or *abolish* their government, in such manner as they may *think proper*.

SECTION 3. All men have a natural and indefeasible right to worship Almighty God according to the dictates of their own consciences; no man can, of right, be compelled to attend, erect, or support any place of worship, or to maintain any ministry, against his consent; no human authority can, in any case whatever, control or interfere with the rights of conscience; and no preference shall ever be given, by law, to any religious establishments or modes of worship.

SECTION 4. No person who acknowledges the being of a God, and a future state of rewards and punishments, shall, on account of his religious sentiments, be disqualified to hold any office, or place of trust or profit, under this Commonwealth.

SECTION 5. Elections shall be free and equal; and no power, civil or military, shall, at any time, interfere to prevent the free exercise of the right of suffrage.

SECTION 6. Trial by jury shall be as heretofore, and the right thereof remain inviolate.

SECTION 7. The printing press shall be free to every person who may undertake to examine the proceedings of the Legislature, or any branch of government, and no law shall ever be made to restrain the right thereof. The free communication of thoughts and opinions is one of the invaluable rights of man; and every citizen may freely speak, write, and print on any subject, being responsible for the abuse of that liberty. No conviction shall be had, in any prosecution for the publication of papers relating to the official conduct of officers, or men in public capacity, or to any other matter proper for public investigation or information, where the fact that such publication was not maliciously or negligently made, shall be established to the satisfaction of the jury; and in all indictments for libels, the jury shall have the right to determine the law and the facts, under the direction of the Court, as in other cases.

SECTION 8. The people shall be secure in their persons, houses, papers, and possessions, from unreasonable searches and seizures; and no warrant to search any place, or to seize any person or things, shall issue, without describing them as nearly as may be, nor without probable cause, supported by oath or affirmation, subscribed to by the affiant.

SECTION 9. In all criminal prosecutions, the accused hath a right to be heard by himself and his counsel, to demand the nature and cause of the accusation against him, to meet the witnesses face to face, to have compulsory process for obtaining witnesses in his favor; and in prosecutions by indictment or information, a speedy public trial, by an impartial jury of the vicinage; he cannot be compelled to give evidence against himself, nor can he be deprived of his life, liberty, or property, unless by the judgment of his peers, or the law of the land.

SECTION 10. No person shall, for any indictable offence, be proceeded against criminally, by information, except in cases arising in the land or naval forces, or in the militia, when in actual service, in time of war or public danger; or, by leave of the Court, for oppression or misdemeanor in office. No person shall, for the same offence, be twice put in jeopardy of life or limb, nor shall private property be taken or applied to public use, without authority of law, and without just compensation being first made or secured.

SECTION 11. All courts shall be open; and every man, for an injury done him in his lands, goods, person, or reputation, shall have remedy by due course of law, and right and justice administered, without sale, denial, or delay. Suits may be brought against the Commonwealth, in such manner, in such courts, and in such cases, as the Legislature may by law direct.

SECTION 12. No power of suspending laws shall be exercised, unless by the Legislature, or by its authority.

SECTION 13. Excessive bail shall not be required, nor excessive fines imposed, nor cruel punishments inflicted.

SECTION 14. All prisoners shall be bailable by sufficient sureties, unless for capital offences, when the proof is evident, or presumption great; and the privilege of the writ of *habeas corpus* shall not be suspended, unless when, in case of rebellion or invasion, the public safety may require it.

SECTION 15. No commission of Oyer and Terminer or Jail Delivery shall be issued.

SECTION 16. The person of a debtor, where there is not strong presumption of fraud, shall not be continued in prison, after delivering up his estate for the benefit of his creditors, in such manner as shall be prescribed by law.

SECTION 17. No *ex post facto* law, nor any law impairing the obligation of contracts, or making irrevocable any grant of special privileges or immunities, shall be passed.

SECTION 18. No person shall be attainted of treason or felony by the Legislature.

SECTION 19. No attainder shall work corruption of blood, nor, except during the life of the offender, forfeiture of estate to the Commonwealth. The estate of such persons as shall destroy their own lives shall descend or vest as in cases of natural death; and if any person shall be killed by casualty, there shall be no forfeiture by reason thereof.

SECTION 20. The citizens have a right, in a peaceable manner, to assemble together for their common good, and to apply to those invested with the powers of government, for redress of grievances, or other proper purposes, by petition, address, or remonstrance.

SECTION 21. The right of the citizens to bear arms in defence of themselves and the State, shall not be questioned.

SECTION 22. No standing army shall, in time of peace, be kept up, without the consent of the Legislature; and

the military shall in all cases, and at all times, be in strict subordination to the civil power.

SECTION 23. No soldier shall, in time of peace, be quartered in any house, without the consent of the owner; nor, in time of war, but in a manner to be prescribed by law.

SECTION 24. The Legislature shall not grant any title of nobility or hereditary distinction; nor create any office, the appointment to which shall be for a longer term than during good behavior.

SECTION 25. Emigration from the State shall not be prohibited.

SECTION 26. To guard against transgressions of the high powers which we have delegated, WE DECLARE, that everything in this article is excepted out of the general powers of government, and shall for ever remain inviolate.

ARTICLE II.

THE LEGISLATURE.

SECTION 1. The legislative power of this Commonwealth shall be vested in a General Assembly, which shall consist of a Senate and a House of Representatives.

SECTION 2. Members of the General Assembly shall be chosen at the general election, every second year. Their term of service shall begin on the first day of December next after their election. Whenever a vacancy shall occur in either House, the presiding officer thereof shall issue a writ of election, to fill such vacancy for the remainder of the term.

SECTION 3. Senators shall be elected for the term of four years, and Representatives for the term of two years.

SECTION 4. The General Assembly shall meet at twelve o'clock, noon, on the first Tuesday of January, every second year, and at other times when convened by the *Governor*, but shall hold no adjourned annual session

after the year 1878. In case of a vacancy in the office of United States Senator from this Commonwealth, in a recess between sessions, the Governor shall convene the two Houses by proclamation, on notice, not exceeding sixty days, to fill the same.

SECTION 5. Senators shall be at least twenty-five years of age, and Representatives twenty-one years of age. They shall have been citizens and inhabitants of the State four years, and inhabitants of their respective districts one year next before their election (unless absent on the public business of the United States or of this State), and shall reside in their respective districts during their terms of service.

SECTION 6. No Senator or Representative shall, during the time for which he shall have been elected, be appointed to any civil office under this Commonwealth; and no member of Congress, or other person holding any office (except of attorney-at-law, or in the militia), under the United States, or this Commonwealth, shall be a member of either House, during his continuance in office.

SECTION 7. No person hereafter convicted of embezzlement of public moneys, bribery, perjury, or other infamous crime, shall be eligible to the General Assembly, or capable of holding any office of trust or profit in this Commonwealth.

SECTION 8. The members of the General Assembly shall receive such salary and mileage, for regular and special sessions, as shall be fixed by law, and no other compensation whatever, whether for service upon committee or otherwise. No member of either House shall, during the term for which he may have been elected, receive any increase of salary, or mileage, under any law passed during such term.

SECTION 9. The Senate shall, at the beginning and close of each regular session, and at such other times as may be necessary, elect one of its members President *pro tem*.

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e, who shall perform the duties of the Lieutenant-governor, in any case of absence or disability of that officer, and whenever the said office of Lieutenant-Governor shall be vacant. The House of Representatives shall elect one of its members as Speaker. Each House shall choose its other officers, and shall judge of the election and qualifications of its members.

SECTION 10. A majority of each House shall constitute a quorum; but a smaller number may adjourn from day to day, and compel the attendance of absent members.

SECTION 11. Each House shall have power to determine the rules of its proceedings, and punish its members, or other persons, for contempt or disorderly behavior in its presence, to enforce obedience to its process, to protect its members against violence, or offers of bribes or private solicitation, and, with the concurrence of two-thirds, to expel a member, but not a second time, for the same cause; and shall have all other powers necessary for the Legislature of a free State. A member expelled for corruption shall not thereafter be eligible to either House; and punishment for contempt or disorderly behavior shall not bar an indictment for the same offence.

SECTION 12. Each House shall keep a journal of its proceedings, and, from time to time, publish the same, except such parts as require secrecy; and the yeas and nays of the members on any question shall, at the desire of any two of them, be entered on the journal.

SECTION 13. The sessions of each House, and of committees of the whole, shall be open, unless when the business is such as ought to be kept secret.

SECTION 14. Neither House shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two Houses shall be sitting.

SECTION 15. The members of the General Assembly shall in all cases, except treason, felony, violation of their

oath of office, and breach or surety of the peace, be privileged from arrest during their attendance at the sessions of their respective Houses, and in going to and returning from the same; and for any speech or debate in either House, they shall not be questioned in any other place.

SECTION 16. The State shall be divided into fifty Senatorial districts of compact and contiguous territory, as nearly equal in population as may be; and each district shall be entitled to elect one Senator. Each county containing one or more ratios of population, shall be entitled to one Senator for each ratio, and to an additional Senator for a surplus of population exceeding three-fifths of a ratio, but no county shall form a separate district, unless it shall contain four-fifths of a ratio, except where the adjoining counties are each entitled to one or more Senators, when such county may be assigned a Senator on less than four-fifths, and exceeding one-half of a ratio; and no county shall be divided, unless entitled to two or more Senators. No city or county shall be entitled to separate representation, exceeding one-sixth of the whole number of Senators. No ward, borough, or township shall be divided in the formation of a district. The Senatorial ratio shall be ascertained by dividing the whole population of the State by the number fifty.

SECTION 17. The members of the House of Representatives shall be apportioned among the several counties, on a ratio obtained by dividing the population of the State, as ascertained by the most recent United States census, by two hundred. Every county containing less than five ratios shall have one Representative for every full ratio, and an additional Representative when the surplus exceeds half a ratio; but each county shall have at least one Representative. Every county containing five ratios or more, shall have one Representative for every full ratio. Every city containing a population equal to a ratio, shall elect separately its proportion of the Representatives allotted to

the county in which it is located. Every city entitled to more than four Representatives, and every county having over one hundred thousand inhabitants, shall be divided into districts of compact and contiguous territory; each district to elect its proportion of Representatives according to its population; but no district shall elect more than four Representatives.

SECTION 18. The General Assembly, at its first session after the adoption of this Constitution, and immediately after each United States decennial census, shall apportion the State into Senatorial and Representative districts, agreeably to the provisions of the two next preceding sections.

ARTICLE III.

LEGISLATION.

SECTION 1. No law shall be passed except by bill; and no bill shall be so altered or amended, on its passage through either House, as to change its original purpose.

SECTION 2. No bill shall be considered unless referred to a committee, returned therefrom, and printed for the use of the members.

SECTION 3. No bill, except general appropriation bills, shall be passed containing more than one subject, which shall be clearly expressed in its title.

SECTION 4. Every bill shall be read at length, on three different days, in each house; all amendments made thereto shall be printed for the use of the members, before the final vote is taken on the bill; and no bill shall become a law unless, on its final passage, the vote be taken by yeas and nays, the names of the persons voting for and against the same be entered on the journal, and a majority of the members elected to each House be recorded thereon as voting in its favor.

SECTION 5. No amendment to bills by one House shall

be concurred in by the other except by the vote of a majority of the members elected thereto, taken by yeas and nays, and the names of those voting for and against recorded upon the journal thereof; and reports of committees of conference shall be adopted in either House only by the vote of a majority of the members elected thereto, taken by yeas and nays, and the names of those voting recorded upon the journals.

SECTION 6. No law shall be revived, amended, or the provisions thereof extended or conferred, by reference to its title only, but so much thereof as is revived, amended, extended, or conferred shall be re-enacted and published at length.

SECTION 7. The General Assembly shall not pass any local or special law authorizing the creation, extension, or impairing of liens; regulating the affairs of counties, cities, townships, wards, boroughs, or school districts; changing the names of persons or places; changing the venue in civil or criminal cases; authorizing the laying out, opening, altering, or maintaining roads, highways, streets, or alleys; relating to ferries or bridges, or incorporating ferry or bridge companies, except for the erection of bridges crossing streams which form boundaries between this and any other State; vacating roads, town-plats, streets, or alleys; relating to cemeteries, graveyards, or public grounds, not of the State; authorizing the adoption or legitimation of children; locating or changing county seats; erecting new counties, or changing county lines; incorporating cities, towns, or villages, or changing their charters; for the opening and conducting of elections, or fixing or changing the place of voting; granting divorces; erecting new townships or boroughs; changing township lines, borough limits, or school districts; creating offices, or prescribing the powers and duties of officers, in counties, cities, boroughs, townships, election, or school districts; changing the law of descent or succession; ~~reg-~~

ulating the practice or jurisdiction of, or changing the rules of evidence in, any judicial proceeding, or inquiry before courts, aldermen, justices of the peace, sheriffs, commissioners, arbitrators, auditors, masters in chancery, or other tribunals, or providing or changing methods for the collection of debts, or the enforcing of judgments, or prescribing the effect of judicial sales of real estate; regulating the fees, or extending the powers and duties of aldermen, justices of the peace, magistrates, or constables; regulating the management of public schools, the building or repairing of school-houses, and the raising of money for such purposes; fixing the rate of interest; affecting the estates of minors or persons under disability, except after due notice to all parties in interest, to be recited in the special enactment; remitting fines, penalties, and forfeitures, or refunding moneys legally paid into the treasury; exempting property from taxation; regulating labor, trade, mining or manufacturing; creating corporations, or amending, renewing, or extending the charters thereof; granting to any corporation, association, or individual, any special or exclusive privilege or immunity, or to any corporation, association, or individual, the right to lay down a railroad track; nor shall the General Assembly indirectly enact such special or local law, by the partial repeal of a general law; but laws repealing local or special acts may be passed; nor shall any law be passed granting powers or privileges, in any case where the granting of such powers and privileges shall have been provided for by general law, nor where the courts have jurisdiction to grant the same, or give the relief asked for.

SECTION 8. No local or special bill shall be passed, unless notice of the intention to apply therefor shall have been published, in the locality where the matter or the thing to be affected may be situated, which notice shall be at least thirty days prior to the introduction into the General Assembly of such bill, and in the manner to be

provided by law ; the evidence of such notice having been published, shall be exhibited in the General Assembly, before such act shall be passed.

SECTION 9. The presiding officer of each House shall, in the presence of the House over which he presides, sign all bills and joint resolutions passed by the General Assembly, after their titles have been publicly read, immediately before signing ; and the fact of signing shall be entered on the journal.

SECTION 10. The General Assembly shall prescribe by law the number, duties, and compensation of the officers and employés of each House ; and no payment shall be made from the State treasury, or be in any way authorized, to any person, except to an acting officer or employé elected or appointed in pursuance of law.

SECTION 11. No bill shall be passed giving any extra compensation to any public officer, servant, employé, agent, or contractor, after services shall have been rendered or contract made, nor providing for the payment of any claim against the Commonwealth, without previous authority of law.

SECTION 12. All stationery, printing, paper, and fuel used in the legislative and other departments of Government, shall be furnished, and the printing, binding, and distributing of the laws, journals, department reports, and all other printing and binding, and the repairing and furnishing the halls and rooms used for the meetings of the General Assembly and its committees, shall be performed under contract, to be given to the lowest responsible bidder below such maximum price, and under such regulations, as shall be prescribed by law ; no member or officer of any department of the Government shall be, in any way, interested in such contracts ; and all such contracts shall be subject to the approval of the Governor Auditor-General, and State Treasurer.

SECTION 13. No law shall extend the term of any public

officer, or increase or diminish his salary or emoluments, after his election or appointment.

SECTION 14. All bills for raising revenue shall originate in the House of Representatives, but the Senate may propose amendments as in other bills.

SECTION 15. The general appropriation bill shall embrace nothing but appropriations for the ordinary expenses of the executive, legislative, and judicial departments of the Commonwealth, interest on the public debt, and for public schools; all other appropriations shall be made by separate bills, each embracing but one subject.

SECTION 16. No money shall be paid out of the treasury, except upon appropriations made by law, and on warrant drawn by the proper officer in pursuance thereof.

SECTION 17. No appropriation shall be made to any charitable or educational institution, not under the absolute control of the Commonwealth, other than normal schools, established by law, for the professional training of teachers for the public schools of the State, except by a vote of two-thirds of all the members elected to each House.

SECTION 18. No appropriations, except for pensions, or gratuities for military services, shall be made for charitable, educational, or benevolent purposes, to any person or community, nor to any denominational or sectarian institution, corporation, or association.

SECTION 19. The General Assembly may make appropriations of money to institutions wherein the widows of soldiers are supported or assisted, or the orphans of soldiers are maintained and educated; but such appropriation shall be applied exclusively to the support of such widows and orphans.

SECTION 20. The General Assembly shall not delegate to any special commission, private corporation, or association, any power to make, supervise, or interfere with any **municipal** improvement, money, property, or effects,

whether held in trust or otherwise, or to levy taxes, or perform any municipal function whatever.

SECTION 21. No act of the General Assembly shall limit the amount to be recovered for injuries resulting in death, or for injuries to persons or property; and, in case of death from such injuries, the right of action shall survive, and the General Assembly shall prescribe for whose benefit such actions shall be prosecuted. No act shall prescribe any limitations of time within which suits may be brought against corporations for injuries to persons or property, or for other causes, different from those fixed by general laws regulating actions against natural persons; and such acts now existing are avoided.

SECTION 22. No act of the General Assembly shall authorize the investment of trust funds by executors, administrators, guardians, or other trustees, in the bonds or stock of any private corporation; and such acts now existing are avoided, saving investments heretofore made.

SECTION 23. The power to change the venue in civil and criminal cases shall be vested in the Courts, to be exercised in such manner as shall be provided by law.

SECTION 24. No obligation or liability of any railroad or other corporation, held or owned by the Commonwealth, shall ever be exchanged, transferred, remitted, postponed, or in any way diminished, by the General Assembly; nor shall such liability or obligation be released, except by payment thereof into the State Treasury.

SECTION 25. When the General Assembly shall be convened in special session, there shall be no legislation upon subjects other than those designated in the proclamation of the Governor calling such session.

SECTION 26. Every order, resolution, or vote to which the concurrence of both Houses may be necessary, except on the question of adjournment, shall be presented to the Governor, and before it shall take effect, be approved by him, or being *disapproved*, shall be repassed by two-thirds

of both Houses, according to the rules and limitations prescribed in case of a bill.

SECTION 27. No State office shall be continued or created for the inspection or measuring of any merchandise, manufacture, or commodity ; but any county or municipality may appoint such officers, when authorized by law.

SECTION 28. No law changing the location of the Capital of the State shall be valid, until the same shall have been submitted to the qualified electors of the Commonwealth, at a general election, and ratified and approved by them.

SECTION 29. A member of the General Assembly who shall solicit, demand, or receive, or consent to receive, directly or indirectly, for himself or for another, from any company, corporation, or person, any money, office, appointment, employment, testimonial, reward, thing of value or enjoyment, or of personal advantage, or promise thereof, for his vote or official influence, or for withholding the same, or with an understanding, expressed or implied, that his vote or official action shall be, in any way, influenced thereby ; or who shall solicit or demand any such money or other advantage, matter, or thing aforesaid, for another, as the consideration of his vote or official influence, or for withholding the same, or shall give or withhold his vote or influence, in consideration of the payment or promise of such money, advantage, matter, or thing to another ; shall be held guilty of bribery, within the meaning of this Constitution, and shall incur the disabilities provided thereby for said offence, and such additional punishment as is or shall be provided by law.

SECTION 30. Any person who shall, directly or indirectly, offer, give or promise, any money or thing of value, testimonial, privilege, or personal advantage, to any executive or judicial officer, or member of the General Assembly, to influence him in the performance of any of his public or official duties, shall be guilty of bribery, and be punished ⁱⁿ *such manner* as shall be provided by law.

SECTION 31. The offence of corrupt solicitation of members of the General Assembly, or of public officers of the State, or of any municipal division thereof, and any occupation or practice of solicitation of such members or officers, to influence their official action, shall be defined by law, and shall be punished by fine and imprisonment.

SECTION 32. Any person may be compelled to testify, in any lawful investigation or judicial proceeding, against any person who may be charged with having committed the offence of bribery or corrupt solicitation, or practices of solicitation, and shall not be permitted to withhold his testimony, upon the ground that it may criminate himself, or subject him to public infamy; but such testimony shall not afterwards be used against him, in any judicial proceeding, except for perjury in giving such testimony; and any person convicted of either of the offences aforesaid, shall, as part of the punishment therefor, be disqualified from holding any office or position of honor, trust, or profit in this Commonwealth.

SECTION 33. A member who has a personal or private interest in any measure or bill proposed or pending before the General Assembly, shall disclose the fact to the House of which he is a member, and shall not vote thereon.

ARTICLE IV.

THE EXECUTIVE.

SECTION 1. The executive department of this Commonwealth shall consist of a Governor, Lieutenant-Governor, Secretary of the Commonwealth, Attorney-General, Auditor-General, State-Treasurer, Secretary of Internal Affairs, and a Superintendent of Public Instruction.

SECTION 2. The supreme executive power shall be vested in the Governor, who shall take care that the laws be faithfully executed; he shall be chosen on the day of the general election, by the qualified electors of the Common-

wealth, at the places where they shall vote for Representatives. The returns of every election for Governor shall be sealed up and transmitted to the seat of Government, directed to the President of the Senate, who shall open and publish them, in the presence of the members of both Houses of the General Assembly. The person having the highest number of votes shall be Governor, but if two or more be equal, and highest in votes, one of them shall be chosen Governor by the joint vote of the members of both Houses. Contested elections shall be determined by a committee, to be selected from both Houses of the General Assembly, and formed and regulated in such manner as shall be directed by law.

SECTION 3. The Governor shall hold his office during four years from the third Tuesday of January next ensuing his election, and shall not be eligible to the office for the next succeeding term.

SECTION 4. A Lieutenant-Governor shall be chosen at the same time, in the same manner, for the same term, and subject to the same provisions as the Governor; he shall be President of the Senate, but shall have no vote, unless they be equally divided.

SECTION 5. No person shall be eligible to the office of Governor or Lieutenant-Governor, except a citizen of the United States, who shall have attained the age of thirty years, and have been seven years next preceding his election an inhabitant of the State, unless he shall have been absent on the public business of the United States, or of this State.

SECTION 6. No member of Congress, or person holding any office under the United States, or this State, shall exercise the office of Governor or Lieutenant-Governor.

SECTION 7. The Governor shall be Commander-in-Chief of the Army and Navy of the Commonwealth, and of the militia, except when they shall be called into the actual *service* of the United States.

SECTION 8. He shall nominate, and, by and with the advice and consent of two-thirds of all the members of the Senate, appoint a Secretary of the Commonwealth and an Attorney-General, during pleasure, a Superintendent of Public Instruction, for four years, and such other officers of the Commonwealth as he is, or may be authorized, by the Constitution or by law, to appoint; he shall have power to fill all vacancies that may happen in offices to which he may appoint, during the recess of the Senate, by granting commissions which shall expire at the end of their next session; he shall have power to fill any vacancy that may happen, during the recess of the Senate, in the office of Auditor-General, State Treasurer, Secretary of Internal Affairs, or Superintendent of Public Instruction, in a judicial office, or in any other elective office which he is or may be authorized to fill; if the vacancy shall happen during the session of the Senate, the Governor shall nominate to the Senate, before their final adjournment, a proper person to fill said vacancy; but in any such case of vacancy in an elective office, a person shall be chosen to said office, at the next general election, unless the vacancy shall happen within three calendar months immediately preceding such election, in which case, the election for said office shall be held at the second succeeding general election. In acting on executive nominations, the Senate shall sit with open doors, and in confirming or rejecting the nominations of the Governor, the vote shall be taken by yeas and nays, and shall be entered on the journal.

SECTION 9. He shall have power to remit fines and forfeitures, to grant reprieves, commutations of sentence, and pardons, except in cases of impeachment; but no pardon shall be granted, nor sentence commuted, except upon the recommendation in writing of the Lieutenant-Governor, Secretary of the Commonwealth, Attorney-General, and Secretary of Internal Affairs, or any three of them, ~~after~~

full hearing, upon due public notice, and in open session; and such recommendation, with the reasons therefor, at length, shall be recorded and filed in the office of the Secretary of the Commonwealth.

SECTION 10. He may require information in writing from the officers of the executive department upon any subject relating to the duties of their respective offices.

SECTION 11. He shall, from time to time, give to the General Assembly information of the state of the Commonwealth, and recommend to their consideration such measures as he may judge expedient.

SECTION 12. He may, on extraordinary occasions, convene the General Assembly, and in case of disagreement between the two Houses, with respect to the time of adjournment, adjourn them to such time as he shall think proper, not exceeding four months. He shall have power to convene the Senate in extraordinary session, by proclamation, for the transaction of executive business.

SECTION 13. In case of the death, conviction, or impeachment, failure to qualify, resignation, or other disability of the Governor, the powers, duties, and emoluments of the office, for the remainder of the term, or until the disability be removed, shall devolve upon the Lieutenant-Governor.

SECTION 14. In case of a vacancy in the office of Lieutenant-Governor, or when the Lieutenant-Governor shall be impeached by the House of Representatives, or shall be unable to exercise the duties of his office, the powers, duties, and emoluments thereof, for the remainder of the term, or until the disability be removed, shall devolve upon the President *pro tempore* of the Senate; and the President *pro tempore* of the Senate shall, in like manner, become Governor, if a vacancy or disability shall occur in the office of Governor; his seat as Senator shall become vacant, whenever he shall become Governor, and shall be filled by election, as any other vacancy in the Senate.

provided by law ; the evidence of such notice having been published, shall be exhibited in the General Assembly, before such act shall be passed.

SECTION 9. The presiding officer of each House shall, in the presence of the House over which he presides, sign all bills and joint resolutions passed by the General Assembly, after their titles have been publicly read, immediately before signing ; and the fact of signing shall be entered on the journal.

SECTION 10. The General Assembly shall prescribe by law the number, duties, and compensation of the officers and employés of each House ; and no payment shall be made from the State treasury, or be in any way authorized, to any person, except to an acting officer or employé elected or appointed in pursuance of law.

SECTION 11. No bill shall be passed giving any extra compensation to any public officer, servant, employé, agent, or contractor, after services shall have been rendered or contract made, nor providing for the payment of any claim against the Commonwealth, without previous authority of law.

SECTION 12. All stationery, printing, paper, and fuel used in the legislative and other departments of Government, shall be furnished, and the printing, binding, and distributing of the laws, journals, department reports, and all other printing and binding, and the repairing and furnishing the halls and rooms used for the meetings of the General Assembly and its committees, shall be performed under contract, to be given to the lowest responsible bidder below such maximum price, and under such regulations, as shall be prescribed by law ; no member or officer of any department of the Government shall be, in any way, interested in such contracts ; and all such contracts shall be subject to the approval of the Governor Auditor-General, and State Treasurer.

SECTION 13. No law shall extend the term of any public

upon request of the committee, pronounce his opinion upon other questions of law involved in the trial. Governor and Lieutenant-Governor shall exercise the duties of their respective offices, until their successors shall be duly qualified.

SECTION 18. The Secretary of the Commonwealth shall keep a record of all official acts and proceedings of the Governor, and, when required, lay the same, with all papers, minutes, and vouchers relating thereto, before either branch of the General Assembly; and perform such other duties as may be enjoined upon him by law.

SECTION 19. The Secretary of Internal Affairs shall exercise all the powers, and perform all the duties, of the Surveyor-General, subject to such changes as shall be made by law. His department shall embrace a bureau of industrial statistics; and he shall discharge such duties relating to corporations, to the charitable institutions, the agricultural, manufacturing, mining, mineral, timber, and other material or business interests of the State, as may be prescribed by law. He shall annually, and at such other times as may be required by law, make report to the General Assembly.

SECTION 20. The Superintendent of Public Instruction shall exercise all the powers and perform all the duties of the Superintendent of Common Schools, subject to such changes as shall be made by law.

SECTION 21. The term of the Secretary of Internal Affairs shall be four years; of the Auditor-General, three years; and of the State Treasurer, two years. These officers shall be chosen by the qualified electors of the State, at general elections. No person elected to the office of Auditor-General or State Treasurer shall be capable of holding the same office for two consecutive terms.

SECTION 22. The present great seal of Pennsylvania shall be the seal of the State. All commissions shall be *in the name and by authority of the Commonwealth of*

Pennsylvania, and be sealed with the State seal, and signed by the Governor.

ARTICLE V.

THE JUDICIARY.

SECTION 1. The judicial power of this Commonwealth shall be vested in a Supreme Court, in Courts of Common Pleas, Courts of Oyer and Terminer and General Jail Delivery, Courts of Quarter Sessions of the Peace, Orphans' Courts, Magistrates' Courts, and in such other Courts as the General Assembly may from time to time establish.

SECTION 2. The Supreme Court shall consist of seven judges, who shall be elected by the qualified electors of the State at large. They shall hold their offices for the term of twenty-one years, if they so long behave themselves well, but shall not be again eligible. The judge whose commission shall first expire, shall be Chief Justice, and, thereafter, each judge whose commission shall first expire, shall in turn be Chief Justice.

SECTION 3. The jurisdiction of the Supreme Court shall extend over the State, and the judges thereof shall, by virtue of their offices, be justices of Oyer and Terminer and General Jail Delivery in the several counties: they shall have original jurisdiction in cases of injunction where a corporation is a party defendant, of *habeas corpus*, of *mandamus* to Courts of inferior jurisdiction, and of *quo warranto* as to all officers of the Commonwealth whose jurisdiction extends over the State, but shall not exercise any other original jurisdiction; they shall have appellate jurisdiction, by appeal, *certiorari*, or writ of error, in all cases, as is now or may hereafter be provided by law.

SECTION 4. Until otherwise directed by law, the Courts of Common Pleas shall continue as at present established, except as herein changed; not more than four counties

shall, at any time, be included in one judicial district organized for said Courts.

SECTION 5. Whenever a county shall contain **forty thousand** inhabitants, it shall constitute a separate judicial district, and shall elect one judge learned in the law; and the General Assembly shall provide for additional judges, as the business of the said districts may require. Counties containing a population less than is sufficient to constitute separate districts, shall be formed into convenient single districts, or, if necessary, may be attached to contiguous districts, as the General Assembly may provide. The office of associate judge, not learned in the law, is abolished, in counties forming separate districts; but the several associate judges in office when this Constitution shall be adopted, shall serve for their unexpired terms.

SECTION 6. In the counties of Philadelphia and Allegheny, all the jurisdiction and powers now vested in the District Courts and Courts of Common Pleas, subject to such changes as may be made by this Constitution, or by law, shall be, in Philadelphia, vested in four, and in Allegheny in two, distinct and separate Courts of equal and co-ordinate jurisdiction, composed of three judges each; the said courts in Philadelphia shall be designated respectively as the Court of Common Pleas number one, number two, number three, and number four, and in Allegheny, as the Court of Common Pleas number one and number two; but the number of said Courts may be by law increased, from time to time, and shall be, in like manner, designated by successive numbers; the number of judges in any of said Courts, or in any county where the establishment of an additional Court may be authorized by law, may be increased, from time to time; and whenever such increase shall amount in the whole to three, such three judges shall compose a distinct and separate Court as aforesaid, which shall be numbered as aforesaid. In *Philadelphia*, all suits shall be instituted in the said Courts

of Common Pleas, without designating the number of said Court, and the several Courts shall distribute and apportion the business among them in such manner as shall be provided by rules of Court; and each Court, to which any suit shall be thus assigned, shall have exclusive jurisdiction thereof, subject to change of venue, as shall be provided by law. In Allegheny, each Court shall have exclusive jurisdiction of all proceedings at law and in equity, commenced therein, subject to change of venue, as may be provided by law.

SECTION 7. For Philadelphia, there shall be one prothonotary's office, and one prothonotary for all said Courts, to be appointed by the judges of said Courts, and to hold office for three years, subject to removal by a majority of the said judges; the said prothonotary shall appoint such assistants as may be necessary and authorized by said Courts, and he and his assistants shall receive fixed salaries, to be determined by law and paid by said county; all fees collected in said office, except such as may be by law due to the Commonwealth, shall be paid by the prothonotary into the county treasury. Each Court shall have its separate dockets, except the judgment docket, which shall contain the judgments and liens of all the said Courts, as is or may be directed by law.

SECTION 8. The said Courts in the counties of Philadelphia and Allegheny, respectively, shall, from time to time, in turn, detail one or more of their judges, to hold the Courts of Oyer and Terminer, and the Courts of Quarter Sessions of the Peace of said counties, in such manner as may be directed by law.

SECTION 9. Judges of the Courts of Common Pleas learned in the law shall be judges of the Courts of Oyer and Terminer, Quarter Sessions of the Peace and General Jail Delivery, and of the Orphans' Court, and within their respective districts shall be justices of the peace as to criminal matters.

SECTION 10. The judges of the Courts of Common Pleas, within their respective counties, shall have power to issue writs of *certiorari* to justices of the peace and other inferior Courts not of record, and to cause their proceedings to be brought before them, and right and justice to be done.

SECTION 11. Except as otherwise provided in this Constitution, justices of the peace or aldermen shall be elected in the several wards, districts, boroughs, and townships, at the time of the election of constables, by the qualified electors thereof, in such manner as shall be directed by law, and shall be commissioned by the Governor for a term of five years. No township, ward, district, or borough shall elect more than two justices of the peace or aldermen, without the consent of a majority of the qualified electors within such township, ward, or borough; no person shall be elected to such office, unless he shall have resided within the township, borough, ward, or district, for one year next preceding his election. In cities containing over fifty thousand inhabitants, not more than one alderman shall be elected in each ward or district.

SECTION 12. In Philadelphia, there shall be established, for each thirty thousand inhabitants, one Court, not of record, of police and civil causes, with jurisdiction not exceeding one hundred dollars; such Courts shall be held by magistrates, whose term of office shall be five years, and they shall be elected on general ticket, by the qualified voters at large; and in the election of the said magistrates, no voter shall vote for more than two-thirds of the number of persons to be elected, when more than one are to be chosen; they shall be compensated only by fixed salaries, to be paid by said county; and shall exercise such jurisdiction, civil and criminal, except as herein provided, as is now exercised by aldermen, subject to such changes, not involving an increase of civil jurisdiction, or conferring political duties, as may be made by law. In Philadelphia, *the office of alderman is abolished.*

SECTION 13. All fees, fines, and penalties in said courts shall be paid into the county treasury.

SECTION 14. In all cases of summary conviction in this Commonwealth, or of judgment in suit for a penalty before a magistrate, or court not of record, either party may appeal to such court of record as may be prescribed by law, upon allowance of the appellate court, or judge thereof, upon cause shown.

SECTION 15. All judges required to be learned in the law, except the judges of the Supreme Court, shall be elected by the qualified electors of the respective districts over which they are to preside, and shall hold their offices for the period of ten years, if they shall so long behave themselves well; but for any reasonable cause, which shall not be sufficient ground for impeachment, the Governor may remove any of them, on the address of two-thirds of each House of the General Assembly.

SECTION 16. Whenever two judges of the Supreme Court are to be chosen for the same term of service, each voter shall vote for one only, and when three are to be chosen, he shall vote for no more than two; candidates highest in vote shall be declared elected.

SECTION 17. Should any two or more judges of the Supreme Court, or any two or more judges of the Court of Common Pleas for the same district, be elected at the same time, they shall, as soon after the election as convenient, cast lots for priority of commission, and certify the result to the Governor, who shall issue their commissions in accordance therewith.

SECTION 18. The judges of the Supreme Court and the judges of the several Courts of Common Pleas, and all other judges required to be learned in the law, shall, at stated times, receive for their services an adequate compensation, which shall be fixed by law, and paid by the State. They shall receive no other compensation, fees, or perquisites of office, for their services, from any source,

nor hold any other office of profit under the United States, this State, or any other State.

SECTION 19. The judges of the Supreme Court, during their continuance in office, shall reside within this Commonwealth; and the other judges, during their continuance in office, shall reside within the districts for which they shall be respectively elected.

SECTION 20. The several Courts of Common Pleas, besides the powers herein conferred, shall have and exercise, within their respective districts, subject to such changes as may be made by law, such chancery powers as are now vested by law in the several Courts of Common Pleas of this Commonwealth, or as may hereafter be conferred upon them by law.

SECTION 21. No duties shall be imposed by law upon the Supreme Court or any of the judges thereof, except such as are judicial; nor shall any of the judges thereof exercise any power of appointment, except as herein provided. The Court of Nisi Prius is hereby abolished; and no court of original jurisdiction, to be presided over by any one or more of the judges of the Supreme Court, shall be established.

SECTION 22. In every county wherein the population shall exceed one hundred and fifty thousand, the General Assembly shall, and in any other county may, establish a separate Orphans' Court, to consist of one or more judges, who shall be learned in the law; which Court shall exercise all the jurisdiction and powers now vested in, or which may hereafter be conferred upon, the Orphans' Courts; and thereupon, the jurisdiction of the judges of the Court of Common Pleas within such county, in Orphans' Court proceedings, shall cease and determine. In any county in which a separate Orphans' Court shall be established, the register of wills shall be clerk of such Court, and subject to its directions, in all matters pertaining to his office; he shall employ such assistant clerks, but only with the conser

and approval of said Court. All accounts filed with him as register, or as clerk of the said separate Orphans' Court, shall be audited by the Court, without expense to parties, except where all parties in interest in a pending proceeding shall nominate an auditor, whom the Court may, in its discretion, appoint. In every county, Orphans' Courts shall possess all the powers and jurisdiction of a Register's Court; and separate Registers' Courts are hereby abolished.

SECTION 23. The style of all process shall be "The Commonwealth of Pennsylvania." All prosecutions shall be carried on in the name and by the authority of the Commonwealth of Pennsylvania, and conclude "against the peace and dignity of the same."

SECTION 24. In all cases of felonious homicide, and in such other criminal cases as may be provided for by law, the accused, after conviction and sentence, may remove the indictment, record, and all proceedings, to the Supreme Court, for review.

SECTION 25. Any vacancy happening by death, resignation, or otherwise, in any court of record, shall be filled by appointment, by the Governor, to continue till the first Monday of January next succeeding the first general election, which shall occur three or more months after the happening of such vacancy.

SECTION 26. All laws relating to Courts shall be general, and of uniform operation, and the organization, jurisdiction, and powers of all Courts of the same class or grade, so far as regulated by law, and the force and effect of the process and judgments of such Courts, shall be uniform; and the General Assembly is hereby prohibited from creating other Courts, to exercise the powers vested by this Constitution in the judges of the Courts of Common Pleas and Orphans' Courts.

SECTION 27. The parties, by agreement filed, may, in any *civil case*, dispense with trial by jury, and submit the

decision of such case to the Court having jurisdiction thereof, and such Court shall hear and determine the same; and the judgment thereon shall be subject to a writ of error, as in other cases.

ARTICLE VI.

IMPEACHMENT AND REMOVAL FROM OFFICE.

SECTION 1. The House of Representatives shall have the sole power of impeachment.

SECTION 2. All impeachments shall be tried by the Senate; when sitting for that purpose, the Senators shall be upon oath or affirmation; no person shall be convicted without the concurrence of two-thirds of the members present.

SECTION 3. The Governor and all other civil officers shall be liable to impeachment for any misdemeanor in office; but judgment in such cases shall not extend further than to removal from office and disqualification to hold any office of trust or profit under this Commonwealth; the person accused, whether convicted or acquitted, shall, nevertheless, be liable to indictment, trial, judgment, and punishment, according to law.

SECTION 4. All officers shall hold their offices on the condition that they behave themselves well while in office, and shall be removed, on conviction of misbehavior in office, or of any infamous crime. Appointed officers, other than judges of the courts of record, and the Superintendent of Public Instruction, may be removed, at the pleasure of the power by which they shall have been appointed. All officers elected by the people, except Governor, Lieutenant-Governor, members of the General Assembly, and Judges of the Courts of Record, learned in the law, shall be removed by the Governor, for reasonable cause, after

due notice and full hearing, on the address of two-thirds of the Senate.

ARTICLE VII.

OATH OF OFFICE.

SECTION 1. Senators and Representatives, and all judicial State and county officers, shall, before entering on the duties of their respective offices, take and subscribe the following oath or affirmation: "I do solemnly swear (or affirm) that I will support, obey, and defend the Constitution of the United States, and the Constitution of this Commonwealth, and that I will discharge the duties of my office with fidelity; that I have not paid or contributed, or promised to pay or contribute, either directly or indirectly, any money or other valuable thing, to procure my nomination or election (or appointment), except for necessary and proper expenses expressly authorized by law; that I have not knowingly violated any election law of this Commonwealth, or procured it to be done by others in my behalf; that I will not knowingly receive, directly or indirectly, any money or other valuable thing for the performance or non-performance of any act or duty pertaining to my office, other than the compensation allowed by law."

The foregoing oath shall be administered by some person authorized to administer oaths, and in the case of State officers and judges of the Supreme Court, shall be filed in the office of the Secretary of the Commonwealth, and in the case of other judicial and county officers, in the office of the prothonotary of the county in which the same is taken; any person refusing to take said oath or affirmation, shall forfeit his office; and any person who shall be convicted of having sworn or affirmed falsely, or of having violated said oath or affirmation, shall be guilty of perjury, and be for ever disqualified from hold-

ing any office of trust or profit within this Commonwealth. The oath to the members of the Senate and House of Representatives shall be administered by one of the judges of the Supreme Court, or of a Court of Common Pleas learned in the law, in the hall of the House to which the members shall be elected.

ARTICLE VIII.

SUFFRAGE AND ELECTIONS.

SECTION 1. Every male citizen, twenty-one years of age, possessing the following qualifications, shall be entitled to vote at all elections :

I. He shall have been a citizen of the United States at least one month.

II. He shall have resided in the State one year (or if, having previously been a qualified elector or native-born citizen of the State, he shall have removed therefrom and returned, then six months) immediately preceding the election.

III. He shall have resided in the election district where he shall offer to vote at least two months immediately preceding the election.

IV. If twenty-two years of age or upwards, he shall have paid, within two years, a State or county tax, which shall have been assessed at least two months, and paid at least one month, before the election.

SECTION 2. The general election shall be held annually on the Tuesday next following the first Monday of November ; but the General Assembly may by law fix a different day, two-thirds of all the members of each House consenting thereto.

SECTION 3. All elections for city, ward, borough, and township officers, for regular terms of service, shall be held on the third Tuesday of February.

SECTION 4. All elections by the citizens shall be by

ballot. Every ballot voted shall be numbered in the order in which it shall be received, and the number recorded by the election officers on the list of voters, opposite the name of the elector who presents the ballot. Any elector may write his name upon his ticket, or cause the same to be written thereon, and attested by a citizen of the district. The election officers shall be sworn or affirm not to disclose how any elector shall have voted, unless required to do so as witnesses in a judicial proceeding.

SECTION 5. Electors shall in all cases, except treason, felony, and breach or surety of the peace, be privileged from arrest during their attendance on elections, and in going to and returning therefrom.

SECTION 6. Whenever any of the qualified electors of this Commonwealth shall be in actual military service, under a requisition from the President of the United States, or by the authority of this Commonwealth, such electors may exercise the right of suffrage, in all elections by the citizens, under such regulations as are or shall be prescribed by law, as fully as if they were present at their usual places of election.

SECTION 7. All laws regulating the holding of elections by the citizens, or for the registration of electors, shall be uniform throughout the State; but no elector shall be deprived of the privilege of voting by reason of his name not being registered.

SECTION 8. Any person who shall give, or promise, or offer to give, to an elector, any money, reward, or other valuable consideration, for his vote at an election, or for withholding the same, or who shall give, or promise to give, such consideration to any other person or party, for such elector's vote, or for the withholding thereof, and any elector who shall receive, or agree to receive, for himself or for another, any money, reward, or other valuable consideration, for his vote at an election, or for withholding the same, shall thereby forfeit the right to vote at such elec-

tion; and any elector whose right to vote shall be challenged for such cause, before the election officers, shall be required to swear or affirm that the matter of the challenge is untrue, before his vote shall be received.

SECTION 9. Any person who shall, while a candidate for office, be guilty of bribery, fraud, or wilful violation of any election law, shall be forever disqualified from holding an office of trust or profit in this Commonwealth; and any person convicted of wilful violation of the election laws, shall, in addition to any penalties provided by law, be deprived of the right of suffrage absolutely for a term of four years.

SECTION 10. In trials of contested elections, and in proceedings for the investigation of elections, no person shall be permitted to withhold his testimony, upon the ground that it may criminate himself, or subject him to public infamy; but such testimony shall not afterwards be used against him, in any judicial proceeding, except for perjury in giving such testimony.

SECTION 11. Townships, and wards of cities or boroughs, shall form or be divided into election districts of compact and contiguous territory, in such manner as the Court of Quarter Sessions of the city or county in which the same are located may direct; but districts in cities of over one hundred thousand inhabitants shall be divided by the Courts of Quarter Sessions, having jurisdiction therein, whenever, at the next preceding election, more than two hundred and fifty votes shall have been polled therein; and other election districts, whenever the Court of the proper county shall be of opinion that the convenience of the electors and the public interests will be promoted thereby.

SECTION 12. All elections by persons in a representative capacity shall be *vivâ voce*.

SECTION 13. For the purpose of voting, no person shall be deemed to have gained a residence, by reason of his

presence, or lost it, by reason of his absence, while employed in the service, either civil or military, of this State or of the United States, nor while engaged in the navigation of the waters of the State or of the United States, or on the high seas, nor while a student of any institution of learning, nor while kept in any poor-house or other asylum, at public expense, nor while confined in public prison.

SECTION 14. District election boards shall consist of a judge and two inspectors, who shall be chosen annually by the citizens. Each elector shall have the right to vote for the judge and one inspector, and each inspector shall appoint one clerk. The first election board for any new district shall be selected, and vacancies in election boards filled, as shall be provided by law. Election officers shall be privileged from arrest upon days of election, and while engaged in making up and transmitting returns, except upon warrant of a court of record or judge thereof, for an election fraud, for felony, or for wanton breach of the peace. In cities they may claim exemption from jury duty during their terms of service.

SECTION 15. No person shall be qualified to serve as an election officer who shall hold, or shall, within two months, have held, any office, appointment, or employment in or under the government of the United States or of this State, or of any city or county, or of any municipal board, commission, or trust, in any city, save only justices of the peace and aldermen, notaries public, and persons in the militia service of the State; nor shall any election officer be eligible to any civil office, to be filled at an election at which he shall serve, save only to such subordinate municipal or local offices, below the grade of city or county offices, as shall be designated by general law.

SECTION 16. The Courts of Common Pleas of the several counties of the Commonwealth shall have power, within their respective jurisdictions, to appoint overseers of elections, to supervise the proceedings of election officers, and

to make report to the Court as may be required; such appointments to be made for any district in a city or county, upon petition of five citizens, lawful voters of such election district, setting forth that such appointment is a reasonable precaution to secure the purity and fairness of elections; overseers shall be two in number for an election district, shall be residents therein, and shall be persons qualified to serve upon election boards, and in each case members of different political parties; whenever the members of an election board shall differ in opinion, the overseers, if they shall be agreed thereon, shall decide the question of difference; in appointing overseers of election, all the law judges of the proper Court, able to act at the time, shall concur in the appointments made.

SECTION 17. The trial and determination of contested elections of electors of President and Vice-President, members of the General Assembly, and of all public officers, whether State, judicial, municipal, or local, shall be by the Courts of law, or by one or more of the law judges thereof; the General Assembly shall, by general law, designate the Courts and judges by whom the several classes of election contests shall be tried, and regulate the manner of trial, and all matters incident thereto; but no such law assigning jurisdiction, or regulating its exercise, shall apply to any contest arising out of an election held before its passage.

ARTICLE IX.

TAXATION AND FINANCE.

SECTION 1. All taxes shall be uniform upon the same class of subjects, within the territorial limits of the authority levying the tax, and shall be levied and collected under general laws; but the General Assembly may, by general laws, exempt from taxation public property used *for public purposes*, actual places of religious worship,

places of burial not used or held for private or corporate profit, and institutions of purely public charity.

SECTION 2. All laws exempting property from taxation, other than the property above enumerated, shall be void.

SECTION 3. The power to tax corporations and corporate property shall not be surrendered or suspended, by any contract or grant to which the State shall be a party.

SECTION 4. No debt shall be created by or on behalf of the State, except to supply casual deficiencies of revenue, repel invasion, suppress insurrection, defend the State in war, or to pay existing debt; and the debt created to supply deficiencies in revenue, shall never exceed, in the aggregate, at any one time, one million of dollars.

SECTION 5. All laws authorizing the borrowing of money by and on behalf of the State, shall specify the purpose for which the money is to be used; and the money so borrowed shall be used for the purpose specified, and no other.

SECTION 6. The credit of the Commonwealth shall not be pledged or loaned to any individual, company, corporation, or association; nor shall the Commonwealth become a joint owner or stockholder in any company, association, or corporation.

SECTION 7. The General Assembly shall not authorize any county, city, borough, township, or incorporated district to become a stockholder in any company, association, or corporation, or to obtain or appropriate money for, or to loan its credit to, any corporation, association, institution, or individual.

SECTION 8. The debt of any county, city, borough, township, school district, or other municipality or incorporated district, except as herein provided, shall never exceed seven per centum upon the assessed value of the taxable property therein, nor shall any such municipality or district incur any new debt, or increase its indebtedness, to an amount exceeding two per centum upon such assessed

valuation of property, without the assent of the electors thereof, at a public election, in such manner as shall be provided by law; but any city, the debt of which now exceeds seven per centum of such assessed valuation, may be authorized by law to increase the same three per centum in the aggregate, at any one time, upon such valuation.

SECTION 9. The Commonwealth shall not assume the debt, or any part thereof, of any city, county, borough, or township, unless such debt shall have been contracted to enable the State to repel invasion, suppress domestic insurrection, defend itself in time of war, or to assist the State in the discharge of any portion of its present indebtedness.

SECTION 10. Any county, township, school district, or other municipality, incurring any indebtedness, shall, at or before the time of so doing, provide for the collection of an annual tax sufficient to pay the interest, and also the principal thereof within thirty years.

SECTION 11. To provide for the payment of the present State debt, and any additional debt contracted as aforesaid, the General Assembly shall continue and maintain the sinking fund, sufficient to pay the accruing interest on such debt, and annually to reduce the principal thereof, by a sum not less than two hundred and fifty thousand dollars; the said sinking fund shall consist of the proceeds of the sales of the public works or any part thereof, and of the income or proceeds of the sale of any stocks owned by the Commonwealth, together with other funds and resources that may be designated by law, and shall be increased from time to time, by assigning to it any part of the taxes or other revenues of the State not required for the ordinary and current expenses of Government; and unless in case of war, invasion, or insurrection, no part of the said sinking fund shall be used or applied *otherwise* than in the extinguishment of the public debt.

SECTION 12. The moneys of the State, over and above the necessary reserve, shall be used in the payment of the debt of the State, either directly or through the sinking fund; and the moneys of the sinking fund shall never be invested in or loaned upon the security of anything, except the bonds of the United States or of this State.

SECTION 13. The moneys held as necessary reserve shall be limited by law to the amount required for current expenses, and shall be secured and kept as may be provided by law. Monthly statements shall be published, showing the amount of such moneys, where the same are deposited, and how secured.

SECTION 14. The making of profit out of the public moneys, or using the same for any purpose not authorized by law, by any officer of the State, or member or officer of the General Assembly, shall be a misdemeanor, and shall be punished as may be provided by law; but part of such punishment shall be disqualification to hold office for a period of not less than five years.

ARTICLE X.

EDUCATION.

SECTION 1. The General Assembly shall provide for the maintenance and support of a thorough and efficient system of public schools, wherein all the children of this Commonwealth, above the age of six years, may be educated, and shall appropriate at least one million dollars each year for that purpose.

SECTION 2. No money raised for the support of the public schools of the Commonwealth, shall be appropriated to or used for the support of any sectarian school.

SECTION 3. Women twenty-one years of age and upwards shall be eligible to any office of control or management under the school laws of this State.

ARTICLE XI.

MILITIA.

SECTION 1. The freemen of this Commonwealth shall be armed, organized, and disciplined for its defence, when and in such manner as may be directed by law. The General Assembly shall provide for maintaining the militia, by appropriations from the treasury of the Commonwealth; and may exempt from military service persons having conscientious scruples against bearing arms.

ARTICLE XII.

PUBLIC OFFICERS.

SECTION 1. All officers, whose selection is not provided for in this Constitution, shall be elected or appointed as may be directed by law.

SECTION 2. No member of Congress from this State, nor any person holding or exercising any office or appointment of trust or profit under the United States, shall, at the same time, hold or exercise any office in this State, to which a salary, fees, or perquisites shall be attached. The General Assembly may by law declare what offices are incompatible.

SECTION 3. Any person who shall fight a duel, or send a challenge for that purpose, or be aider or abettor in fighting a duel, shall be deprived of the right of holding any office of honor or profit in this State, and may be otherwise punished as shall be prescribed by law.

ARTICLE XIII.

NEW COUNTIES.

SECTION 1. No new county shall be established which shall reduce any county to less than four hundred square miles, or to less than twenty thousand inhabitants; nor

shall any county be formed of less area, or containing a less population ; nor shall any line thereof pass within ten miles of the county seat of any county proposed to be divided.

ARTICLE XIV.

COUNTY OFFICERS.

SECTION 1. County officers shall consist of sheriffs, coroners, prothonotaries, registers of wills, recorders of deeds, commissioners, treasurers, surveyors, auditors, or controllers, clerks of the courts, district-attorneys, and such others as may, from time to time, be established by law ; and no sheriff or treasurer shall be eligible for the term next succeeding the one for which he may be elected.

SECTION 2. County officers shall be elected at the general elections, and shall hold their offices for the term of three years, beginning on the first Monday of January next after their election, and until their successors shall be duly qualified ; all vacancies not otherwise provided for, shall be filled in such manner as may be provided by law.

SECTION 3. No person shall be appointed to any office within any county, who shall have not been a citizen and an inhabitant therein one year next before his appointment, if the county shall have been so long erected ; but if it shall not have been so long erected, then within the limits of the county or counties out of which it shall have been taken.

SECTION 4. Prothonotaries, clerks of the courts, recorders of deeds, registers of wills, county-surveyors, and sheriffs, shall keep their offices in the county town of the county in which they respectively shall be officers.

SECTION 5. The compensation of county officers shall be regulated by law, and all county officers who are or may be salaried, shall pay all fees which they may be

authorized to receive, into the treasury of the county or State, as may be directed by law. In counties containing over one hundred and fifty thousand inhabitants, all county officers shall be paid by salary ; and the salary of any such officer and his clerks, heretofore paid by fees, shall not exceed the aggregate amount of fees earned during his term and collected by or for him.

SECTION 6. The General Assembly shall provide by law for the strict accountability of all county, township, and borough officers, as well for the fees which may be collected by them, as for all public or municipal moneys which may be paid to them.

SECTION 7. Three county commissioners and three county auditors shall be elected in each county where such officers are chosen, in the year 1875, and every third year thereafter ; and in the election of said officers, each qualified elector shall vote for no more than two persons, and the three persons having the highest number of votes shall be elected ; any casual vacancy in the office of county commissioner or county auditor shall be filled by the Court of Common Pleas of the county in which such vacancy shall occur, by the appointment of an elector of the proper county, who shall have voted for the commissioner or auditor whose place is to be filled.

ARTICLE XV.

CITIES AND CITY CHARTERS.

SECTION 1. Cities may be chartered, whenever a majority of the electors of any town or borough, having a population of at least ten thousand, shall vote, at any general election, in favor of the same.

SECTION 2. No debt shall be contracted or liability incurred by any municipal commission, except in pursuance of an appropriation previously made therefor by the *municipal government*.

SECTION 3. Every city shall create a sinking fund, which shall be inviolably pledged for the payment of its funded debt.

ARTICLE XVI.

PRIVATE CORPORATIONS.

SECTION 1. All existing charters, or grants of special or exclusive privileges, under which a *bona fide* organization shall not have taken place, and business been commenced in good faith, at the time of the adoption of this Constitution, shall thereafter have no validity.

SECTION 2. The General Assembly shall not remit the forfeiture of the charter of any corporation now existing, or alter or amend the same, or pass any other general or special law for the benefit of such corporation, except upon the condition that such corporation shall thereafter hold its charter subject to the provisions of this Constitution.

SECTION 3. The exercise of the right of eminent domain shall never be abridged, or so construed as to prevent the General Assembly from taking the property and franchises of incorporated companies, and subjecting them to public use, the same as the property of individuals; and the exercise of the police power of the State shall never be abridged or so construed as to permit corporations to conduct their business in such manner as to infringe the equal rights of individuals or the general well-being of the State.

SECTION 4. In all elections for directors or managers of a corporation, each member or shareholder may cast the whole number of his votes for one candidate, or distribute them upon two or more candidates, as he may prefer.

SECTION 5. No foreign corporation shall do any business in this State, without having one or more known places of business, and an authorized agent or agents in the same, upon whom process may be served.

SECTION 6. No corporation shall engage in any business other than that expressly authorized in its charter; nor shall it take or hold any real estate, except such as may be necessary and proper for its legitimate business.

SECTION 7. No corporation shall issue stocks or bonds, except for money, labor done, or money or property actually received; and all fictitious increase of stock or indebtedness shall be void. The stock and indebtedness of corporations shall not be increased except in pursuance of general law, nor without the consent of the persons holding the larger amount in value of the stock, first obtained, at a meeting to be held, after sixty days' notice, given in pursuance of law.

SECTION 8. Municipal and other corporations, and individuals invested with the privilege of taking private property for public use, shall make just compensation for property taken, injured, or destroyed by the construction or enlargement of their works, highways, or improvements, which compensation shall be paid or secured before such taking, injury, or destruction. The General Assembly is hereby prohibited from depriving any person of an appeal from any preliminary assessment of damages against any such corporations or individuals, made by viewers or otherwise; and the amount of such damages, in all cases of appeal, shall, on the demand of either party, be determined by a jury, according to the course of the common law.

SECTION 9. Every banking law shall provide for the registry and countersigning, by an officer of the State, of all notes or bills designed for circulation; and that ample security to the full amount thereof shall be deposited with the auditor-general, for the redemption of such notes or bills.

SECTION 10. The General Assembly shall have the power to alter, revoke, or annul any charter of incorporation now existing, and revocable at the adoption of this Constitu-

tion, or any that may hereafter be created, whenever, in their opinion, it may be injurious to the citizens of this Commonwealth, in such manner, however, that no injustice shall be done to the corporators. No law hereafter enacted shall create, renew, or extend the charter of more than one corporation.

SECTION 11. No corporate body to possess banking and discounting privileges, shall be created or organized, in pursuance of any law, without three months' previous public notice, at the place of the intended location, of the intention to apply for such privileges, in such manner as shall be prescribed by law; nor shall a charter for such privilege be granted for a longer period than twenty years.

SECTION 12. Any association or corporation organized for the purpose, or any individual, shall have the right to construct and maintain lines of telegraph within this State, and to connect the same with other lines; and the General Assembly shall, by general law, of uniform operation, provide reasonable regulations to give full effect to this section. No telegraph company shall consolidate with, or hold a controlling interest in, the stock or bonds of any other telegraph company, owning a competing line, or acquire, by purchase or otherwise, any other competing line of telegraph.

SECTION 13. The term "corporations," as used in this article, shall be construed to include all joint stock companies or associations, having any of the powers or privileges of corporations not possessed by individuals or partnerships.

ARTICLE XVII.

RAILROADS AND CANALS.

SECTION 1. All railroads and canals shall be public highways, and all railroad and canal companies shall be

common carriers. Any association or corporation organized for the purpose, shall have the right to construct and operate a railroad between any points within this State, and to connect, at the State line, with railroads of other States. Every railroad company shall have the right, with its road, to intersect, connect with, or cross any other railroad; and shall receive and transport each the other's passengers, tonnage, and cars, loaded or empty, without delay or discrimination.

SECTION 2. Every railroad and canal corporation organized in this State shall maintain an office therein, where transfers of its stock shall be made, and where its books shall be kept for inspection by any stockholder or creditor of such corporation, in which shall be recorded the amount of capital stock subscribed or paid in, and by whom, the names of the owners of its stock, and the amounts owned by them, respectively, the transfers of said stock, and the names and places of residence of its officers.

SECTION 3. All individuals, associations, and corporations shall have equal right to have persons and property transported over railroads and canals, and no undue or unreasonable discrimination shall be made, in charges for, or in facilities for, transportation of freight or passengers, within the State, or coming from or going to any other State. Persons and property transported over any railroad, shall be delivered at any station, at charges not exceeding the charges for transportation of persons and property of the same class, in the same direction, to any more distant station; but excursion and commutation tickets may be issued at special rates.

SECTION 4. No railroad, canal, or other corporation, or the lessees, purchasers, or managers of any railroad or canal corporation, shall consolidate the stock, property, or franchises of such corporation, with, or lease or purchase the works or franchises of, or in any way control, any *other* railroad or canal corporation, owning or having

under its control a parallel or competing line; nor shall any officer of such railroad or canal corporation act as an officer of any other railroad or canal corporation, owning or having the control of a parallel or competing line; and the question whether railroads or canals are parallel or competing lines shall, when demanded by the party complainant, be decided by a jury, as in other civil issues.

SECTION 5. No incorporated company, doing the business of a common carrier, shall, directly or indirectly, prosecute or engage in mining or manufacturing articles, for transportation over its works; nor shall such company, directly or indirectly, engage in any other business than that of common carriers, or hold or acquire lands, freehold or leasehold, directly or indirectly, except such as shall be necessary for carrying on its business; but any mining or manufacturing company may carry the products of its mines and manufactories on its railroad or canal, not exceeding fifty miles in length.

SECTION 6. No president, director, officer, agent, or employé of any railroad or canal company, shall be interested, directly or indirectly, in the furnishing of material or supplies to such company, or in the business of transportation as a common carrier of freight or passengers over the works owned, leased, controlled, or worked by such company.

SECTION 7. No discrimination in charges, or facilities for transportation, shall be made between transportation companies and individuals, or in favor of either, by abatement, drawback, or otherwise; and no railroad or canal company, or any lessee, manager, or employé thereof, shall make any preferences in furnishing cars or motive power.

SECTION 8. No railroad, railway, or other transportation company shall grant free passes, or passes at a discount, to any person, except officers or employés of the company.

SECTION 9. No street passenger railway shall be con-

structed within the limits of any city, borough, or township, without the consent of its local authorities.

SECTION 10. No railroad, canal, or other transportation company, in existence at the time of the adoption of this article, shall have the benefit of any future legislation, by general or special laws, except on condition of complete acceptance of all the provisions of this article.

SECTION 11. The existing powers and duties of the auditor-general, in regard to railroads, canals, and other transportation companies, except as to their accounts, are hereby transferred to the secretary of internal affairs, who shall have a general supervision over them, subject to such regulations and alterations as shall be provided by law; and, in addition to the annual reports now required to be made, said secretary may require special reports, at any time, upon any subject relating to the business of said companies, from any officer or officers thereof.

SECTION 12. The General Assembly shall enforce, by appropriate legislation, the provisions of this article.

ARTICLE XVIII.

FUTURE AMENDMENTS.

SECTION 1. Any amendment or amendments to this Constitution may be proposed in the Senate or House of Representatives; and, if the same shall be agreed to by a majority of the members elected to each House, such proposed amendment or amendments shall be entered on their journals, with the yeas and nays taken thereon, and the Secretary of the Commonwealth shall cause the same to be published, three months before the next general election, in at least two newspapers in every county in which such newspapers shall be published; and if, in the General Assembly next afterwards chosen, such proposed amendment or amendments shall be agreed to by a majority of *the members* elected to each House, the Secretary of the

Commonwealth shall cause the same again to be published in the manner aforesaid; and such proposed amendment or amendments shall be submitted to the qualified electors of the State, in such manner, and at such time, at least three months after being so agreed to by the two Houses, as the General Assembly shall prescribe; and if such amendment or amendments shall be approved by a majority of those voting thereon, such amendment or amendments shall become a part of the Constitution; but no amendment or amendments shall be submitted oftener than once in five years. When two or more amendments shall be submitted, they shall be voted upon separately.

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THE CONSTITUTION OF PENNSYLVANIA.

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APPENDIX.



THE JUDICIAL DISTRICTS OF PENNSYLVANIA.

Pennsylvania is divided into fifty-one judicial districts, as follows:

- | | |
|-------------------------------------|---------------------------------|
| 1. Philadelphia County. | 27. Washington County. |
| 2. Lancaster “ | 28. Venango “ |
| 3. Northampton “ | 29. Lycoming “ |
| 4. Tioga “ | 30. Crawford “ |
| 5. Allegheny “ | 31. Lehigh “ |
| 6. Erie “ | 32. Delaware “ |
| 7. Bucks “ | 33. Armstrong “ |
| 8. Northumberland “ | 34. Susquehanna “ |
| 9. Cumberland “ | 35. Mercer “ |
| 10. Westmoreland “ | 36. Beaver “ |
| 11. Luzerne “ | 37. Warren and Forest Counties. |
| 12. Dauphin “ | 38. Montgomery County. |
| 13. Bradford “ | 39. Franklin “ |
| 14. Fayette and Greene Counties. | 40. Indiana “ |
| 15. Chester County. | 41. Juniata and Perry Counties. |
| 16. Bedford and Somerset Counties. | 42. Adams and Fulton “ |
| 17. Butler County. | 43. Carbon and Monroe “ |
| 18. Clarion and Jefferson Counties. | 44. Wyoming and Sullivan “ |
| 19. York County. | 45. Lackawanna County. |
| 20. Union, Snyder and Mifflin Cos. | 46. Clearfield “ |
| 21. Schuylkill County. | 47. Cambria “ |
| 22. Wayne and Pike Counties. | 48. McKean and Potter Counties. |
| 23. Berks County. | 49. Centre and Huntingdon “ |
| 24. Blair “ | 50. Lawrence County. |
| 25. Clinton, Cameron and Elk Cos. | 51. Lebanon “ |
| 26. Columbia and Montour “ | |

Strictly speaking, the judges of the courts are not county officers: *they are officers of the judicial district which a county forms or of which it is a part.*

THE CHIEF EXECUTIVE OFFICERS OF PENNSYLVANIA SINCE 1776.

Benjamin Franklin,

Chairman of the Committee of Safety, Sept., 1776, to March, 1777.

PRESIDENTS OF THE SUPREME EXECUTIVE COUNCIL.

NAME.	TERM OF OFFICE.
Thomas Wharton, Jr.	March 5, 1777, to May 23, 1778
George Bryan	May 23, 1778, to Dec. 1, 1778
Joseph Reed	Dec. 1, 1778, to Oct. 8, 1781
William Moore	Nov. 14, 1781, to Oct. 8, 1782
John Dickinson	Nov. 7, 1782, to Oct. 18, 1785
Benjamin Franklin	Oct. 18, 1785, to Oct. 14, 1788
Thomas Mifflin	Nov. 5, 1788, to Dec. 20, 1790

GOVERNORS OF PENNSYLVANIA SINCE 1790.

Thomas Mifflin	Dec. 21, 1790, to Dec. 17, 1799
Thomas McKean	Dec. 17, 1799, to Dec. 20, 1808
Simon Snyder	Dec. 20, 1808, to Dec. 16, 1817
William Findlay	Dec. 16, 1817, to Dec. 19, 1820
Joseph Hiester	Dec. 19, 1820, to Dec. 16, 1823
John Andrew Shulze	Dec. 16, 1823, to Dec. 15, 1829
George Wolf	Dec. 15, 1829, to Dec. 15, 1835
Joseph Ritner	Dec. 15, 1835, to Jan. 15, 1839
David Rittenhouse Porter	Jan. 15, 1839, to Jan. 21, 1845
Francis Rawn Shunk*	Jan. 21, 1845, to July 9, 1848
William Freame Johnston	July 26, 1848, to Jan. 20, 1852
William Bigler	Jan. 20, 1852, to Jan. 16, 1855
James Pollock	Jan. 16, 1855, to Jan. 19, 1858
William Fisher Packer	Jan. 19, 1858, to Jan. 15, 1861
Andrew Gregg Curtin	Jan. 15, 1861, to Jan. 15, 1867
John White Geary	Jan. 15, 1867, to Jan. 21, 1873
John Frederick Hartranft	Jan. 21, 1873, to Jan. 18, 1879
Henry Martyn Hoyt	Jan. 18, 1879, to Jan. 16, 1883
Robert Emory Pattison	Jan. 16, 1883, to Jan. 18, 1887
James Adams Beaver	Jan. 18, 1887, to Jan. 20, 1891
Robert Emory Pattison	Jan. 20, 1891

* Resigned July 9, 1848. There was an interregnum from July 9, 1845, to July 26, 1848. Johnston did not take the oath of office till July 26, 1848.

Comparative View of the Population of the Several Counties of Pennsylvania, according to the Census of 1880 and the Census of 1890.

COUNTY.	COUNTY SEAT.	Pop. in 1880.	Pop. in 1890.	Inc. p. c.
Adams	Gettysburg	32,455	33,486	3.0
Allegheny	Pittsburgh	355,869	551,959	55.0
Armstrong	Kittanning	47,611	46,747	*1.9
Beaver	Beaver	39,605	50,077	26.0
Bedford	Bedford	34,929	38,644	10.6
Berks	Reading	122,597	137,327	12.0
Blair	Hollidaysburgh	52,740	70,866	34.0
Bradford	Towanda	58,541	59,233	1.1
Bucks	Doylestown	68,656	70,615	2.8
Butler	Butler	52,536	55,339	5.3
Cambria	Ebensburgh	46,811	66,375	41.0
Cameron	Emporium	5,159	7,238	40.0
Carbon	Mauch Chunk	31,923	38,624	20.9
Centre	Bellefonte	37,922	43,269	14.0
Chester	West Chester	83,481	89,377	7.0
Clarion	Clarion	40,328	36,802	*8.7
Clearfield	Clearfield	43,408	69,565	62.0
Clinton	Lock Haven	26,278	28,685	9.1
Columbia	Bloomsburg	32,409	36,832	13.0
Crawford	Meadville	68,607	65,324	*4.9
Cumberland	Carlisle	45,977	47,271	2.8
Dauphin	Harrisburg	76,148	96,977	27.0
Delaware	Media	56,101	74,683	33.0
Elk	Ridgway	12,800	22,239	73.7
Erie	Erie	74,688	86,074	15.0
Fayette	Uniontown	58,842	80,006	36.0
Forest	Tionesta	4,385	8,482	93.4
Franklin	Chambersburg	49,855	51,433	3.1
Fulton	McConnellsburg	10,149	10,137	*0.1
Greene	Waynesburg	28,273	28,935	2.3
Huntingdon	Huntingdon	33,954	35,751	5.2
Indiana	Indiana	40,527	42,175	4.0
Jefferson	Brookville	27,935	44,005	57.0

* Decrease.

POPULATION OF PENNSYLVANIA.—Continued.

COUNTY.	COUNTY SEAT.	Pop. in 1880.	Pop. in 1890.	Inc. p. c.
Juniata	Mifflintown	18,227	16,665	*8.6
Lackawanna	Scranton	89,269	142,088	59.0
Lancaster	Lancaster	139,447	149,095	6.9
Lawrence	New Castle	33,312	37,517	12.6
Lebanon	Lebanon	38,476	48,131	15.0
Lehigh	Allentown	65,996	76,631	16.0
Luzerne	Wilkes Barre	133,065	201,203	51.0
Lycoming	Williamsport	57,486	70,579	22.7
McKean	Smethport	42,565	46,863	10.0
Mercer	Mercer	56,161	55,744	*0.7
Mifflin	Lewistown	19,577	19,996	2.0
Monroe	Stroudsburg	20,175	20,111	*0.3
Montgomery	Norristown	96,494	123,290	27.0
Montour	Danville	15,468	15,645	1.0
Northampton	Easton	70,312	84,220	19.0
Northumberland	Sunbury	53,123	74,698	40.6
Perry	New Bloomfield	27,522	26,276	*4.5
Philadelphia	Philadelphia	847,170	1,046,964	21.2
Pike	Milford	9,663	9,412	*2.5
Potter	Coudersport	13,797	22,778	65.0
Schuylkill	Pottsville	129,974	154,163	18.5
Snyder	Middleburg	17,797	17,651	*0.8
Somerset	Somerset	33,110	37,317	12.7
Sullivan	Laporte	8,073	11,620	43.9
Susquehanna	Montrose	40,354	40,093	*0.6
Tioga	Wellsboro	45,814	52,313	14.0
Union	Lewisburg	16,905	17,820	5.4
Venango	Franklin	43,670	46,640	6.8
Warren	Warren	27,981	37,585	30.0
Washington	Washington	55,418	71,155	28.0
Wayne	Honesdale	33,513	31,010	*7.4
Westmoreland	Greensburg	78,036	112,819	44.0
Wyoming	Tunkhannock	15,598	15,891	1.2
York	York	87,841	99,489	13.3
		4,282,891	5,258,014	22.7

* Decrease.

**Cities and Boroughs in Pennsylvania having a
Population over 5000, according to the Census
of 1890.**

Philadelphia	1,046,964	Meadville	9,520
Pittsburgh	238,617	Plymouth	9,344
Allegheny	105,287	Steelton	9,250
Scranton	75,215	Butler	8,734
Reading	53,661	Braddock	8,561
Erie	40,634	Phoenixville	8,514
Harrisburg	39,385	Dunmore	8,315
Wilkes Barre	37,718	Mount Carmel	8,254
Lancaster	32,011	Titusville	8,073
Altoona	30,337	West Chester	8,028
Williamsport	27,132	Danville	7,998
Allentown	25,228	Homestead	7,911
Johnstown	21,805	Chambersburg	7,863
York	20,793	Carlisle	7,620
McKeesport	20,741	Sharon	7,459
Chester	20,226	Lock Haven	7,358
Norristown	19,791	Ashland	7,346
Shenandoah	15,944	South Chester	7,076
Lebanon	14,644	Washington	7,063
Easton	14,481	Bethlehem	6,762
Shamokin	14,403	Bristol	6,553
Pottsville	14,117	Uniontown	6,359
Pottstown	13,285	Franklin	6,221
Hazleton	11,872	Du Bois	6,149
New Castle	11,600	Tamaqua	6,054
Mahanoy City	11,286	Sunbury	5,930
Oil City	10,932	Huntingdon	5,729
Carbondale	10,833	Corry	5,677
Columbia	10,599	Connellsville	5,629
Bradford	10,514	New Brighton	5,616
South Bethlehem	10,302	South Easton	5,616
Pittston	10,302	Conshohocken	5,470
Nanticoke	10,044	Milton	5,317
Beaver Falls	9,735	Middletown	5,080



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